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Madrid, November 26, 2021

**Ref: The false statements contained in the article "Industry interference: La Graciosa Island" about Grupo TÜV AUSTRIA**

Dear Mrs. Fernández:

We are contacting you on behalf of our client, the TÜV AUSTRIA group ("TÜV" or the "Client"), about the statements made by you about TÜV regarding the "La Graciosa sin humo" campaign, since they are radically false and damage the honor and image of our client.

As you know, TÜV has developed the "Smoke-Free Culture" or "Smoke-Free Culture" certification protocol, the main objective of which is to advance organizations and legal entities that wish to partner with tangible actions, action plans and measurable objectives with the purpose of reducing and, as a final goal, eliminating the incidence of tobacco among its employees, participants or members in its facilities, as well as during the activities or events that they themselves organize.

The main objective of the "Smoke-Free Culture" protocol is to certify that an organization has measures in place to plan, support, implement, monitor and continuously improve a set of actions aimed at guaranteeing the aforementioned vision.

Our client has had access to the article "Industry interference: La Isla de La Graciosa" (the "Article"), published on its website <http://nofumadores.org>, in which it states the following:

*A certificate that has been developed by TÜV AUSTRIA, a multinational that claims to be independent but that includes in its actions the promotion of tobacco products that may be alternatives to cigarettes.*

*In other words, the campaign can be explained as follows: PMI pays the Teguique city council for the campaign and the TÜV Austria certification in exchange for promoting its heated tobacco devices (IQOS) and at the same time serving to wash its image.*

*On the other hand, the requirements to obtain the 'SMOKE-FREE CULTURE' certification from TÜV AUSTRIA could easily have been drawn up by Phillip Morris itself to continue maintaining her economic interests since the actions established by said certification are aligned with the strategy and slogans that the tobacco industry has been promoting for decades: "improving relationships between smokers and non-smokers", "more harmonious environment and mutual respect", in addition to establishing smoking areas and helping PMI to promote and strengthen its heated tobacco product (the underlined is ours).*

The "Smoke-Free Culture" certification protocol certifies that a certain organization implements and operates in accordance with a series of measures aimed at achieving a smoke-free

environment. Thus, unlike what you affirm, said certification is granted by our Client in accordance with pre-established and defined criteria designed by TÜV, without the interference of any third party, in addition to requiring a strict verification of compliance with its requirements by the entity requesting certification.

The statements contained in the Article are completely inadmissible, since it is radically uncertain that TÜV: (i) promotes the consumption of tobacco products; and / or (ii) issue certifications that can be obtained with the mere payment of a price. In addition, with the statements they make in the article, they are also accusing TÜV of maintaining a kind of promotional commercial relationship with Philip Morris International, which is totally uncertain, thus causing special damage to our Client, who only watches over the independence and reliability of its certifications.

Therefore, the false statements that you make in the article that damage the reputation of TÜV, which is contrary to what is provided in our ordinance, specifically, in article 7.7 of the organic law 1/1982, of May 5, of civil protection of honor, personal and family privacy and self-image.

Our intention is to avoid an exercise of legal actions that could correspond to safeguard the rights of our client, for which we require that, within the non-extendable period of 10 days from the receipt of this communication, they carry out the following rectifying measure:

(i) The removal from their website of the Article and any statement in which they affirm or imply that TÜV AUSTRIA grants its certifications based on an economic or remunerative criterion and / or that TÜV AUSTRIA promotes the consumption of tobacco with its certification or in any other way.

In any case, and without prejudice to the foregoing, we reserve ourselves to take legal actions that are pertinent to defend the rights of our client.

Sincerely,  
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