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Madrid, 8 de diciembre de 2021

Dear lady,

We acknowledge receipt of your attention, dated November 26, 2021, regarding some alleged false statements -which are not- contained in the article "Industry interference: La Isla de La Graciosa" about Grupo TÜV AUSTRIA. It is, therefore, that we want to make some clarifications, since the information that is poured into said article responds solely and exclusively to the truth, without prejudice to the review that we will make of the article in order to avoid possible interpretations, which does not imply in any way neither acknowledgment of having been inaccurate with the published content nor rectification of the content as a whole, since, as we say, it is protected by freedom of expression and scrupulous respect for the truth, as is duly accredited.

Regarding their accusations that Nofumadores.org affirms that TÜV AUSTRIA issues certifications that can be obtained with the mere payment of a price, meaning that no such statements appear anywhere in the article nor has such a thing been implied and it is not understood how TÜV Austria makes such an interpretation of what is published in the article. Nofumadores.org has only limited itself to exposing the documentary proven facts and these are that the company responsible for paying the fees of TÜV AUSTRIA to issue the certification has been PMI, as it appears in the agreement that the company has signed with the Tegui City Council, which the city council itself has sent us after requesting it by the Transparency Law:

#### CUARTA.- OBLIGACIONES DE LAS PARTES

El Ayuntamiento realizará una serie de actividades y acciones tendentes a obtener la certificación, conforme a lo descrito en el **Anexo I**, y garantizará que la ejecución del presente convenio se realice siguiendo el procedimiento administrativo correspondiente (incluyendo su aprobación previa o ratificación por parte del pleno de la corporación municipal para su inicio de efectos y la fiscalización de la intervención municipal a lo largo de toda su ejecución), en particular en lo que respecta a dar transparencia a la existencia y contenido del acuerdo de colaboración de PMS.

Por su parte, PMS cubrirá los siguientes gastos en el marco del proceso de certificación:

- I. **Servicios de consultoría estratégica:** PMS (o una tercera empresa contratada por ésta a tal efecto) prestará apoyo al Ayuntamiento de Tegui para colaborar en las acciones destinadas a favorecer el cumplimiento de los requisitos establecidos por el protocolo de certificación y acompañará al Ayuntamiento en las auditorías que TÜV Austria realice.
- II. **Importe de la certificación:** PMS abonará a TÜV Austria el importe a abonar por el proceso de certificación.

PMS no realizará ningún pago al Ayuntamiento ni a cualquier entidad, persona física o jurídica relacionada con éste sino que asumirá única y exclusivamente los antedichos costes, que serán facturados a nombre de PMS. El Ayuntamiento no tendrá derecho a

We are therefore not in the scenario that they state in their letter, since it is evident that in addition to the payment of the certification (fees, fees or whatever corresponds) there should be other types of technical criteria, something that is a truism and does not require further explanation.

Before the documentary evidence of this agreement, undeniable, true and demonstrable, that your client has a commercial relationship with PMI -because PMI is the company responsible for paying their fees each time they carry out a Smoke-Free Culture certification process -, and that until now we are not aware that any other company has requested such certification from its client, unless said company has a direct relationship or agreement with PMI. Therefore, if it can be affirmed that its client, TÜV AUSTRIA, has a commercial relationship (or contractual, if you prefer) with Philip Morris, a statement that, on the other hand, does not appear in the Nofumadores.org article.

With reference to the fact that TÜV AUSTRIA promotes the consumption of tobacco with its certification or in any other way, we clarify that according to the Spanish Ministry of Health heated tobacco is considered tobacco. The criteria for its certification include that the organizations that hold it "will facilitate awareness of smoke-free products." According to its own definition of "smoke-free products", these include heated tobacco, therefore we can affirm that its certification is in favor or favors the promotion of tobacco products against the guidelines of the Spanish Ministry of Health which has had to indicate to his client that his protocol "Smoke-free culture" is not in "compliance with the guidelines of the competent Ministry of Health", as reflected in an erroneous way on his website, so his client has had to withdraw said statements on its website:

#### 15.4 'Smoke-Free Culture' Switching to Smoke-Free Alternatives:

For those smokers who consciously decide to continue smoking, **the Organization will facilitate the awareness of alternative smoke-free products.**

No	Compliance Principle	Assessment Criteria
D1	Awareness on smoke-free products	For those smokers who consciously decide to continue smoking, the Organization will facilitate the awareness of smoke-free products which are better choices for smokers compared to combustible tobacco products, based on scientific evidence.

#### 4. «Smoke-Free Culture» cambiando a alternativas Smoke-Free

Para aquellos fumadores que conscientemente decidan seguir fumando, la Organización facilitará el conocimiento de productos libres de humo.

No	Principio de conformidad	Documentación / Prácticas / Procedimientos / Acciones
D1	Información sobre productos libres de humo	Para aquellos fumadores que conscientemente decidan seguir fumando, la Organización facilitará el conocimiento de productos sin humo que sean una mejor elección para los fumadores en comparación con

Term	Definition
<b>Requirement</b>	Need or expectation that is stated, generally implied or obligatory
<b>Scheme owner (SO)</b>	Owner and manager of a certification scheme
<b>Vision</b>	Aspiration of what an organization would like to become as expressed by top management
<b>Organization</b>	Companies, events, communities that wish to be certified according to the "Smoke-Free Culture" Certification scheme
<b>Smoke-Free Products</b>	Legally compliant products in the relevant jurisdictions that do not produce combustible cigarette smoke (eg. electronic cigarette or heated tobacco products)
<b>Smoking Products</b>	Tobacco Products that produce combustible cigarette smoke (e.g. Cigarettes, cigarillos, tobacco for roll-your-own, cigars)
<b>Stop smoking support services</b>	Services that are provided by competent individuals to persons that are wanting to stop smoking
<b>Smoke-Free Culture</b>	Private Scheme for the evaluation and certification of organizations which addresses the issue of smoking in an organization

Regarding the pre-established criteria that your client has designed to grant the "Smoke Free Culture" certification, it is questionable that these pre-established criteria are only a guide, according to their document "certification document indicative of Smoke-Free Culture documentation" and that they are the organizations or territories that request the certification decide what actions to carry out. Given this, the uncertainty arises as to what is the minimum number of pre-established criteria that a company or territory, which wishes to obtain the Smoke Free culture certification, has to fulfill in order to be granted said certification. It is striking that, in the case of La Graciosa, the number of actions carried out to obtain the TÜV AUSTRIA certification has been very low, as they have been limited to:

1. Declare only 4 spaces on the island as smoke-free spaces, two of which, the municipal offices and the playground, were already smoke-free spaces more than a decade ago thanks to Law 28/2005, on sanitary measures against the smoking.
2. Carry out a single collection of cigarette butts (several days after the certification has been granted).
3. The possibility that whoever wanted, without any other apparent requirement, download from the website "La Graciosa sin humo" a certificate in which the City Council of Teguiase certified that the person in question "is part of the history of La Graciosa , since it collaborated in the necessary diffusion to get La Graciosa to be certified as La Graciosa sin Humo".

4. An act of presenting the campaign to the media that can be classified as a promotional act rather than an action aimed at achieving the objective of achieving a smoke-free environment on the island.

On the other hand, Nofumadores.org does not state in its article that the certification criteria have been defined or designed by someone other than TÜV, however, after having carefully studied its "certification document indicative of Smoke-Free Culture documentation Many similarities have been found with many of PMI's slogans, slogans, ideas and proposals throughout history.

In addition, Nofumadores.org does not affirm or question, at any time, that TÜV AUSTRIA requires a strict verification of compliance with its requirements by the entity requesting the certification.

For all the above, and after an extensive study of the case, we must indicate that Nofumadores.org has sufficient evidence to support the publication of the article on its website, and this without being untrue. However, the necessary changes have been made to the article both to update it and to be clearer and more specific in some points where it could lead to different interpretations, and always adjusting to the truth based on the aforementioned documentary evidence, as always it has been made by this association.

Remaining at your entire disposal to complete or clarify any question, sincerely greets you,

Raquel Fdez. Megina  
Presidenta de Nofumadores.org