



***Excelentísimo Sr. D. Pedro Sánchez,  
Presidente del Gobierno de España***

September 1st, 2022

Dear Mr. Sanchez,

The undersigned civil health, consumer, environmental and human rights organizations, at the national and international level, wish to express our great concern about the decision of your Government, through the Ministry of Finance, to increase the number of tobacco stores in 203, placing 30 of them in the border areas with France.

We would like you to take into account that the smoking pandemic causes more than 8 million premature deaths in the world each year and in Spain at least 69,000, in addition to a greater number of new chronically ill patients, causing much suffering and great social and health expenditure. It is your obligation, as president of the Spanish Government, to ensure the public health of our country. Defending the health of Spaniards is not compatible with the increase in tobacco points of sale, but contrary to what the tobacco control community has requested to your Government through the Declaration of the Endgame of Tobacco in Spain 2030. In that Declaration exposes the need to reduce points of sale as a strategy to end the tobacco pandemic, as was already requested in the 2018 Madrid Declaration for Health and for the Advancement of Tobacco Regulation in Spain, where it was demanded the need to increase taxes on tobacco products and nicotine, as well as eliminate tobacco advertising at points of sale.

The various legislative measures applied in the most economically developed countries have played a relevant role in reducing the consumption of tobacco products so far this century.

However, the increase in the number of tobacco consumers announced by the Ministry of Finance means that our country will be unable to meet the cancer reduction targets for 2030 agreed by the European Union, at the same time that it goes against the spirit of the Sustainable Development Goals (SDG), and in particular against Goal 3: "Ensure healthy lives and promote well-being for all at all ages" which includes goal 3.a, which urges

countries to "Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate."

Likewise, the International Covenant on Economic, Social and Cultural Rights that Spain ratified in 1977 recognizes in its article 12 "the right of every person to enjoy the highest possible level of physical and mental health". As specified in General Comment No. 14, by the Committee on Economic, Social and Cultural Rights, the right to health is an inclusive right, encompassing not only timely and appropriate health care, but also the underlying factors that determine health status, such as the sale of tobacco products. In addition, the promotion of the sale of tobacco products also violates commitments by the Spanish Government to other treaties that Spain has ratified, such as the Convention on the Rights of the Child, the Convention on the elimination of all forms of discrimination against women and the Convention on the Rights of Persons with Disabilities.

Spain has an opportunity to act as a leader in the international arena if it protects the health of its citizens, as well as the health of the European population. However, if the Spanish Government insists on promoting the sale of a product that kills and makes most of its consumers sick, against international commitments, we will be forced to officially denounce it through the monitoring mechanisms of all treaties of human rights that Spain has ratified. It would be a great pity if Spain presents itself as the model of a country whose actions go against the right of European citizens "to enjoy the highest possible level of physical and mental health"

On the other hand, the increase in the number of tobacco outlets near the French border represents a proportion of 50 tobacconists per 10,000 inhabitants, when in the rest of the country the percentage is four establishments per 10,000 inhabitants. Therefore, it seems that the main purpose of this measure is not to supply the local inhabitants with a product that will take fifteen years off their lives. This increase in tobacconists has a purely collection purpose and will boycott the smoking control efforts of our neighboring country. France made the right decision to raise the price of a pack above 10 euros to fight this industrially created pandemic. Spain is supplying cheap tobacco to a country that is striving to reduce the number of smokers through a policy recommended by the WHO that works, the increase in the price of tobacco through taxes. What the national government should do is take advantage of the French initiative and harmonize our prices with those of France, avoiding the underground economy of buying and selling tobacco through cross-border tobacconists and progressively reduce these points of sale, in the border areas and in the rest of the national territory without exceptions, as reflected in the allegations presented by the National Committee for the Prevention of Smoking (CNPT) to the Draft Law on the Market of Tobacco and other related products.

Likewise, we cannot understand that the Minister of Health, or your Government, keep frozen the Comprehensive Smoking Plan, highly agreed upon with the entire Tobacco Control community in Spain. This Plan and its legislative development, which were commitments by our last two Health Ministers when they took office, would once again place Spain at the forefront of health defense and tobacco control at European and global level.

Both the issue of the increase in tobacco sales outlets and the suspension of the Comprehensive Smoking Plan, added to the fact that the international index of interference by the tobacco industry gives us only distant 54th place in the ranking of 96 countries, They make us suspect that these decisions are the result of the pressure that their government receives from the tobacco industry, either directly, or through the governments of autonomous communities, such as Extremadura and the Canary Islands, where the industry is very powerful, either because of the cultivation of tobacco or its manufacture.

For all of the above, the undersigned organizations request that its government:

1. Cancel the call for public auction of new tobacco outlets and in turn agree with the smoking prevention sector a gradual reduction in tobacco sales points that could begin with the non-renewal of tobacconist licenses, which expire at age 25, especially those establishments close to schools and playgrounds.
2. Increase taxes on all tobacco and nicotine products by harmonizing prices with France as a way to end the tobacco pandemic and also to raise more money for the State without the need to increase the number of tobacco outlets tobacco in Spain.
3. Launch the Comprehensive Smoking Plan 2021-2025 as soon as possible, as well as the legislative modification of Law 28/2005 on the Prevention of Smoking.

In the confidence that your Government will put the health of the Spaniards before the interests of the tobacco industry, serving in turn not to boycott the fight against smoking in our neighboring country, France, we convey our full support and look forward to hearing from you to learn what measures you will take in this regard.

Receive a cordial greeting from the promoters of this petition,

**Dr. Andrés Zamorano.** President of Comité Nacional para la prevención del Tabaquismo (CNPT)

**Raquel Fernandez Megina.** President of Nofumadores.org

**Dr. Esteve Fernández.** Director of Centro Colaborador de la OMS para el Control del Tabaco / Instituto Catalán de Oncología (ICO)

**Pr Yves Martinet,** President of the Comité National Contre le Tabagisme, CNCT, France

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

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

**Birgit Beger**, President of Smoke-Free  
Partnership (**SFP**)