D 102858 30.06.2026

European Parliament

Committee on Constitutional Affairs
The Chair

Ref.: D (2026) 20375

Mr Nicolás GONZÁLEZ CASARES
and other signatories
Members of the European Parliament
Rue Wiertz
1047 Bruxelles

Subject: Proposed amendment to Parliament's RoP concerning Article 5.3 FCTC

Dear Colleagues,

Thank you for your letter of 13 April 2026 inviting the Committee on Constitutional Affairs to consider a possible amendment to Parliament's Rules of Procedure introducing additional restrictions on interactions between Members of the European Parliament and representatives of the tobacco industry.

The Coordinators of the Committee on Constitutional Affairs examined the issues raised in your letter at their meeting of 3 June 2026.

At the outset, I would like to stress that the Committee fully recognises the importance of the public health objectives pursued by the WHO Framework Convention on Tobacco Control (FCTC). The protection of public health and the prevention of undue influence on public policy are legitimate objectives which deserve serious consideration.

The Committee's assessment, however, focused on a different question.

The issue before the Committee was not whether tobacco control policies are desirable, nor whether the objectives pursued by the FCTC are justified. The question was whether those objectives require an amendment of Parliament's Rules of Procedure and, more specifically, whether the Rules of Procedure should restrict or predetermine the categories of persons or organisations with whom Members may engage in the exercise of their parliamentary mandate.

For the Committee on Constitutional Affairs, this raises a fundamental constitutional issue.

The European Parliament is founded on the principle of the free and independent mandate. This principle is reflected in Article 6(1) of the 1976 Electoral Act, Article 3(1) of the Statute for Members of the European Parliament and Rule 2 of Parliament's Rules of Procedure. Members exercise their mandate freely and independently, are not bound by instructions and may not receive a binding mandate.

The practical implications of this principle extend beyond the freedom to vote. It includes the freedom of Members to inform themselves, to hear competing arguments, to assess evidence independently and to determine for themselves which individuals, organisations or stakeholders they consider relevant in the exercise of their parliamentary responsibilities. Members may agree with the views presented to them, reject them entirely or attach whatever weight they consider appropriate. That judgement belongs to elected representatives themselves and ultimately to the citizens who hold them politically accountable. For that reason, the Committee considers it constitutionally questionable to use Parliament's Rules of Procedure as an instrument to prescribe, restrict or predetermine the categories of lawful actors with whom Members may engage. Such decisions must remain a matter of individual political judgement and accountability.

The proposal contained in your letter concerns the tobacco industry. The underlying constitutional question, however, extends far beyond that particular sector. Once Parliament accepts the principle that its Rules of Procedure may be used to determine circumstances in which Members may be restricted from meeting, consulting or hearing lawful actors, the issue ceases to be one of tobacco control. It becomes a question about the scope of parliamentary independence itself. While Members may legitimately differ in their political assessment of particular industries, economic sectors or advocacy groups, the Committee does not consider it compatible with the principle of the free mandate for Parliament's Rules of Procedure to prescribe which lawful actors Members may or may not engage with in the formation of their political judgement.

Parliamentary democracy is founded on the assumption that elected representatives are capable of exercising independent judgement. The role of the Rules of Procedure is to guarantee transparency, integrity and accountability in the exercise of the mandate. It is not to prescribe in advance which lawful viewpoints may be heard or which lawful actors may participate in parliamentary deliberation. Such an approach would represent a significant departure from the traditionally open, pluralistic and representative character of parliamentary democracy.

The Committee further considers that Parliament's Rules of Procedure are intended to establish a general framework governing the exercise of the parliamentary mandate. They are not designed to regulate Parliament's relationship with individual sectors of society on a sector-by-sector basis, nor to serve as a regulatory instrument directed at particular categories of lawful stakeholders.

The Committee also notes that Parliament already operates under extensive transparency and disclosure requirements regarding interactions with interest representatives. These include the Interinstitutional Agreement (IIA) of 20 May 2021 on a mandatory Transparency Register and the Code of Conduct for Members regarding integrity and transparency contained in Annex I to the Rules of Procedure. This framework applies across sectors and is designed to ensure transparency, integrity and public accountability while preserving the independence of Members.

As regards Article 5.3 of the FCTC, the Committee is not persuaded that the provision requires the introduction of sector-specific restrictions into Parliament's Rules of Procedure.

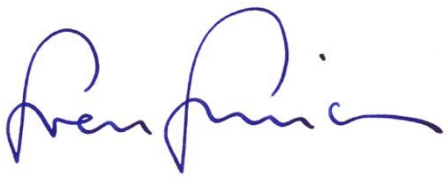
The obligation to protect public health policies from vested interests must be implemented in a manner consistent with the constitutional principles governing the functioning of the European Parliament. In the Committee's view, the existing framework of transparency and disclosure already provides an appropriate mechanism for ensuring openness and accountability in interactions between Members and interest representatives.

Furthermore, neither the text of the Convention nor its implementation guidelines appear to require the introduction of specific restrictions on contacts between elected representatives and representatives of a lawful economic sector. The Committee therefore considers that Parliament's current framework already provides an appropriate balance between transparency, accountability and the institutional independence of Members.

For these reasons, while fully recognising the importance of the objectives pursued by the FCTC, the Coordinators do not consider it appropriate to pursue amendments to Parliament's Rules of Procedure of the kind proposed in your letter. Their recommendation was endorsed by the AFCO Committee in its meeting of 24 June 2026.

I hope these considerations are helpful in clarifying the Committee's position and I would like to thank you once again for bringing this matter to our attention.

Yours sincerely,



Sven Simon
Chair of the Committee on Constitutional Affairs

Cc: Members of the Committee on Constitutional Affairs.