

## **Appendix 1 Legal background of tobacco industry's ability to interfere with public health policies in Poland**

Although the freedom of association in Poland permits groups to take collective action when pursuing the interests of their members, both the Constitution of the Republic of Poland (Article 31.3) and the Freedom of Association Act (Article 1.2) allow this freedom to be constrained in several instances, including the need to protect public health.[1,2] However, there is currently no regulation in Poland constraining the tobacco industry's freedom to associate. Due to the lack of such regulation, there are numerous associations representing the interests of the tobacco industry: tobacco producers as well as manufacturers and importers of tobacco products. They exercise their rights in different ways, including lobbying at the highest levels of the Polish government.

There is also no regulation constraining the scope of tobacco industry's lobbying. Article 5.3 of the WHO FCTC, ratified by Poland in September 2006, requires the parties to protect public health policies with respect to tobacco control from commercial and other vested interests. It is Poland's duty to implement the treaty's measures into existing law, yet the measures of this treaty are not directly enforceable in Poland. However, Poland has never implemented any measures that would protect public health policies from the tobacco industry's interference. Such regulations are absent from both the Act of 9 November 1995 on protection of health against the effects of using tobacco and tobacco products (with subsequent amendments) and the Act of 7 July 2005 on lobbyist interference with policy-making.[3,4] Consequently, it is lawful for the tobacco industry in Poland not only to freely associate, but also to lobby against policies aimed at improving public health in the country.

### **References:**

- 1 Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. uchwalona przez Zgromadzenie Narodowe w dniu 2 kwietnia 1997 r., przyjęta przez Naród w referendum konstytucyjnym w dniu 25 maja 1997 r., podpisana przez Prezydenta Rzeczypospolitej Polskiej w dniu 16 lipca 1997 r. 1997. <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970780483> (accessed 23 Apr2015).
- 2 Ustawa z dnia 7 kwietnia 1989 r. Prawo o stowarzyszeniach. 1989. <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19890200104> (accessed 23 Apr2015).
- 3 Ustawa z dnia 9 listopada 1995 r. o ochronie zdrowia przed następstwami używania tytoniu i wyrobów tytoniowych. 1995. <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19960100055> (accessed 23 Apr2015).
- 4 Ustawa z dnia 7 lipca 2005 r. o działalności lobbingsowej w procesie stanowienia prawa. 2005. <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051691414> (accessed 23 Apr2015).