

United Kingdom

Overall score:

32

Summary of Findings

1. Industry participation in policy development

The UK government does not accept offers of assistance from the industry, endorse their policies, nor invite industry representatives to attend policy meetings. The UK delegation to the Conference of the Parties (COP) excludes industry representatives. However, there are instances of industry representatives, or organizations affiliated with the industry participating in informal parliamentary groups. The tobacco industry is allowed to provide responses to public regulatory consultations.

2. Industry CSR activities

Industry activities described as "socially responsible" are not banned in the UK. However, UK government agencies and their officials do not endorse, support, form partnerships with or participate in, industry CSR activities. Nonetheless, the tobacco industry continues to promote its CSR activity among parliamentarians using informal parliamentary groups.

3. Benefits to the industry

The UK government does not grant exemptions to the tobacco industry. However, there are no clear rules mandating the government not to provide preferential treatment to the industry. The major tobacco companies pay very low levels of corporation tax in the UK, although this is not unique to the industry. The UK as part of the European Union (EU) must apply duty-free allowances on tobacco products brought from outside the EU but applies the upper rather than lower limits.

4. Unnecessary interaction

There is no evidence that top-level UK officials attend industry social functions, but several such instances have been identified for individual parliamentarians, for the devolved administrations and for political parties. In addition, the Parliamentary data on functions and hospitality only covered the first half of 2019. There is no evidence that the government accepts assistance from the industry for its tobacco-control activities, but there have been cases of limited engagement with the local authorities.

5. Transparency

In the past the Department of Health & Social Care (DHSC) issued guidelines for the implementation of WHO Framework Convention on Tobacco Control (FCTC) Article 5.3, re-committing the government to publish details of meetings with the industry, excluding commercially or operationally sensitive information. However, there is no requirement for the industry and affiliated entities to register with the government. Given the industry's growing use of third parties and the challenges of tracing its links to, and funding of, third parties, this is an important omission.

6. Conflict of interest

General rules regulate political contributions to political parties, candidates and campaigns, and the disclosure of such contributions. However, no legislation specifically prohibits the industry from making political donations. No current government officials hold positions in the industry, but several instances of past involvement, direct and indirect, have been identified.

7. Preventive measures

There is no comprehensive set of rules regulating public officials' interactions with the industry, aside from the FCO code. There is a government procedure for disclosing the records of interaction with the industry but this has only been implemented in part. Some agencies (e.g. Public Health England) publish minutes of meetings with stakeholders linked to the industry; some departments (e.g. HM Revenue and Customs (HMRC)) publish very little detail about meetings; while others (e.g. HM Treasury), reported meetings regularly for a period but then stopped. Tobacco manufacturers collect data on profits, taxes, prices, sales, marketing and research spend and are required to provide some of these data to government. However, the government is only allowed to publish information on ingredients and emissions of tobacco products, not sales and marketing data, which prevents industry activity from being fully transparent to the public. There is no evidence that there is a systematic strategy for raising the awareness of government departments on policies relating to the Article 5.3 Guidelines. Finally, there is no specific policy preventing government officials from accepting industry contributions, although such interactions are separately governed by anti-corruption regulations.

Recommendations

1. Collect and publish industry data on profits, taxes, prices, spending on marketing, research and CSR and local data on sales of all products as recommended by the backbench All Party Parliamentary Group on Smoking and Health.¹
2. Implement and embed a government program to regularly raise and maintain awareness of Article 5.3 and how to comply with it across all government agencies.
3. Require the DHSC to develop and disseminate a comprehensive set of rules for public officials, prescribing standards with which public officials should comply in dealings with the industry.
4. Ban industry CSR activities in the UK.
5. Create a comprehensive and legally binding lobbying transparency register and make it a legal requirement for industry affiliated organizations and individuals to register with the government before lobbying.
6. Avoid conflicts of interest by prohibiting the industry from making contributions (monetary or otherwise), to government officials. These would include offers of assistance, policy drafts or study visit invitations. Prohibit public officials from holding positions in, or being seconded to, the industry.
7. Audit HMRC to ascertain whether the government provides preferential tax exemption to the industry and remove duty-free concessions for tobacco products.

¹ <https://ash.org.uk/wp-content/uploads/2019/03/2019-APPG-report.pdf>