

Costa Rica

Overall score:

49

Summary of Findings

1. Industry participation in policy development

The government does not accept, support or endorse offers of assistance from the tobacco industry in setting or implementing public health policies. The Ministry of Health, who leads in the regulation of tobacco control, has managed to resist the tobacco industry's efforts to weaken marketing regulation and advertising.

However, the incorporation of industry representatives from tobacco companies (Chambers of Commerce) into the Mixed Commission Against Illicit Trade, an inter-ministerial body that was created to fight against smuggling in general, may threaten compliance with the WHO Framework Convention on Tobacco Control (FCTC) and its guidelines in Costa Rica. The Mixed Commission Against Illicit Trade provides opportunities to participate in industry-initiated anti-smuggling campaigns and lobby to undermine the advances in the regulation and control of tobacco in the country.

2. Industry CSR activities

Regarding the participation of government officials in corporate social responsibility activities organized by the tobacco industry or its representatives, the participation of both executive officers and local governments was documented. The tobacco industry carries out these activities to distance its image from the harmful nature of tobacco; they are public relations strategies that are being supported by the government with its mere assistance.

The assistance or support of government representatives (executive or local) positions tobacco companies as a benevolent industry, associating the authority and credibility of the authorities with the community or the media. For example, the Vice Minister of the Ministry of Labor and Social Security was a panel speaker at a Philip Morris International (PMI)-sponsored forum by the Costa Rica-American Chamber of Commerce (AmCham) on gender equality and women's labor.

3. Benefits to the industry

The special treatment by the Executive and Legislative Power towards the tobacco industry was documented by protecting it during a tax reform where the sales tax (VAT) calculation excludes tobacco. In the same legislative exercise, it benefited from a special article for the lower calculation of the tax base and, on the other hand, with a tax amnesty, which was given to taxpayers in arrears with the State. This represents preferential treatment for defaulters, including the tobacco industry.

International travelers entering Costa Rica can bring in duty-free 400 sticks of cigarettes, 50 cigars or 500g of tobacco.

4. Unnecessary interaction

The interaction of the tobacco industry through its representatives was documented, both in social events and technical assistance in training on smuggling issues, such as donations to government agencies dedicated to fiscal issues. The unnecessary interactions of the tobacco industry create an image of the industry as a partner or ally that weakens the separation of private interests in public institutions, as this will facilitate their interference in the establishment of tobacco regulation and control policies.

5. Transparency

It was documented that the government does not have established mechanisms to hold its officials accountable for the interactions and meetings they have with the tobacco industry. Pressures from the tobacco industry regarding the regulation of cigarette advertising on the presidency and ministries were documented. The lack of transparency opens up opportunities for the industry to lobby for postponement of the directive on the pack display ban and the exemption of sales tax for tobacco. But the interaction of representatives of the industry with the Minister of Health, who is attached to the provisions of Article 5.3 of the FCTC, also makes the National Anti-Smoking Network participate as an observer.

6. Conflict of interest

No evidence of tobacco industry interference events related to the conflict of interest was found.

7. Preventive measures

The Costa Rican government does not have a mechanism to prevent tobacco industry interference in tobacco control policies. There are no official mechanisms for accountability for meetings and lobbying, no code of conduct with established standards or procedure for interacting with the tobacco industry, no programs to educate on the FCTC in government agencies, and no policy for the rejection or prohibition of acceptance of any contribution or gift from the tobacco industry or its representatives. The implementation of corrective actions on these four aspects would strengthen the performance of government agencies in the field of tobacco control and reduce interference from the tobacco industry.

Recommendations

There is important progress in tobacco regulation in the country. Many countries in the Americas still face great challenges in tobacco control and regulation. As the tobacco industry produces alternative tobacco products and creates new mechanisms to position them in the market, governments must strengthen their state institutions (not influenced by the tobacco industry or its representatives) to protect the population.

Based on the aforementioned indicators, and taking into account that there is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policies, the following is recommended to be developed by the Ministry of Health, through the Tobacco Control Program and in coordination with other institutions in the corresponding sectors:

1. Create a code of conduct with minimum standards for the interaction of government officials with the tobacco industry in accordance with the provisions of Article 5.3 of the FCTC and its guidelines.
2. Have a National Plan for Tobacco Control with intersectoral and civic society participation, which considers within the strategic actions the promotion and (or) awareness-raising directed at all public powers on the FCTC and Article 5.3.
3. Establish a transparent official mechanism to record the interactions that government representatives have with the tobacco industry, in accordance with the provisions of Article 5.3 of the FCTC and its guidelines.
4. Establish a policy to reject acceptance of any form of contribution or gift from the tobacco industry.
5. Include in the strategic actions of the Observatory Surveillance and Intervention Strategies Health for compliance with Law No. 9028 (OVEIS) monitoring actions on implementing the tobacco industry to the detriment of Article 5.3.