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Summary of Findings

1. Industry participation in policy development

Tobacco companies and entities who defend their interests successfully approached important Federal Executive Branch officials, including the President of the Republic, in defense of the interests of the tobacco production chain and against measures for tobacco control, especially with regard to discussions on the tax reform. Additionally, there are records of statements made by the Secretary for Family Agriculture defending and promoting tobacco growing. In contradiction, that department has the mandate to implement the measures relative to the Framework Convention on Tobacco Control (FCTC) Article 17 on alternative livelihoods for tobacco growing.

Within the scope of the Ministry for Agriculture, Livestock and Supply (MAPA) and the Rio Grande do Sul State Secretariat for Agriculture, the Tobacco Sector Chambers are a collegiate body which counts on representation by the industry to outline public policies that contribute towards developing the tobacco production chain.

2. Industry CSR activities

A number of tobacco company projects jointly developed with municipal and state governments were identified, especially in tobacco-producing regions. Some of them have received awards, contributing towards distancing tobacco companies from the fatal products they manufacture. Additionally, exploiting the vulnerable situation during the pandemic, donations of supplies, equipment and cash were collected, as well as campaigns and research run by the companies and government allies.

3. Benefits to the industry

Records were made of the mobilization within the tobacco industry to resume the activities of tobacco leaf sales and procurement and anticipate the return of industrial activities, at the time when lockdowns were established. In a lawsuit filed against a measure to ban additives which received a favorable decision for public health, the judge granted an injunction to the request made by the industry. Additionally, tax benefits were granted to tobacco companies, both through partial exemption or through tax incentives for cultural projects, or further, tax exemption for tobacco product brought in by international travelers.

4. Unnecessary interaction

Federal and state government representatives voted in favor of the tobacco production chain on different occasions, where we highlight the participation by the Secretary for Family Agriculture in an event promoted by Philip Morris for the donation of COVID-19 protection kits and in an online seminar promoted by Afubra. The partnership between the Ministry of Justice and universities in the fight against cigarette smuggling would not be a problem if the project were not financed by the PMI Impact initiative. Other examples of partnerships between industry and government in the battle against cigarette smuggling have been recorded. However, other projects backed by local governments have been registered, with a special mention for the support given to COVID-19 research by municipal consortia in tobacco-producing regions, supported by Philip Morris. Additionally, state governments renewed their partnership with SindiTabaco to implement a project to provide support for tobacco growers to diversify their production.

5. Transparency

Government members' schedules are usually public, but the details of these meetings are not always available to the public. It is often only possible to access records upon request. Regulation for lobbying activities has been under discussion in Brazil in recent years. Therefore, interaction between lobbyists and government representatives depends on internal recommendation by the entities.

6. Conflict of interest

It is not possible to monitor tobacco industry donations to members of parliament and Executive Branch candidates. It was noted that the former Director of Anvisa took part in online events promoted by the tobacco and vaper industry on the theme of damage mitigation. In addition, relatives of government officials are known to hold positions in tobacco companies.

7. Preventive measures

Disclosure of public servants' schedules up to a certain hierarchic level is mandatory, but it is not an exclusive demand for interactions with tobacco company representatives. Additionally, Brazilian legislation stipulates that public servants follow the Professional Code of Ethics for Public Civil Servants of the Federal Executive Branch, and there are two legislative instruments applied to members of Conicq: Ethical Guidelines applicable to members of Conicq and the Conicq Internal Regimen. Part of the tobacco companies' records are public especially on the Federal Internal Revenue Service (Receita Federal) and Anvisa websites. The government discloses the implementation of FCTC Article 5.3 through Conicq instruments and began the discussion to include the theme in the Federal Government's Public Integrity Program, aiming to protect public policies from tobacco industry interests.

Recommendations

1. To guarantee that the COP9 (Conference of the Parties) Brazilian delegation has no representatives with conflicts of interest. Renewal of Conicq is essential in order to guarantee that its regulatory instruments are complied with by its members and by the official delegation.
2. To increase, as far as possible, the awareness by government officials of FCTC Article 5.3 and its relation to the advances in the National Policy for Tobacco Control. Much as there is activity in this respect, considering the successive indicator increase with regard to participation in policy development, this recommendation becomes necessary. The implementation of the Integrity Program may be an opportunity for this.
3. To forbid corporate social responsibility projects related to the tobacco industry.
4. Not to allow tobacco companies to benefit from tax breaks or exemptions of any kind.
5. To assure transparency and mechanisms to avoid conflicts of interest and undue interference in interactions between government representatives and members of parliament with the tobacco industry.
6. To require reports on business information from the tobacco industry, including information with regard to marketing expenses, lobbying, philanthropy and political contributions.