

ROMANIA

2021

TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX

## Introduction

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Tobacco Industry is active for over 20 years in Romania, with 3 key players, British American Tobacco, Japan Tobacco International and Philip Morris International. The 3 players had a cumulative net profit of 1016 Million RON (equivalent to approx. 207 Million EUR) in 2019, employing only 4850 people in total. All 3 key players have local manufacturing locations, including regional manufacturing lines supplying heated tobacco products. Between 50 and 80% of the locally manufactured products are exported (60% of BAT, 80% PMI, 50-75% JTI, as per companies' public statements). As of 2015, PMI and BAT have launched heated tobacco products and significantly increased marketing investments behind promoting them, while lacking regulations on advertising, promotion and sponsorship for the new tobacco products. JTI followed later with the launch of the Logic Compact electronic cigarettes, discontinued, though, in 2020.

The lack of regulations regarding tobacco advertising, promotion and sponsorship for all tobacco products (regular tobacco is not covered by comprehensive FCTC compliant provisions on these areas either) leads to a heavy exposure in general communication channels to tobacco marketing messages- outdoor advertising, indoor/point-of-sale and internet advertising exploiting legislative loopholes are a common practice.

The tobacco control movement has been extremely active in Romania since 2015, successfully advocating for the adoption of a comprehensive smoke-free bill in 2015 and contributing to the submission of a comprehensive tobacco advertising, promotion and sponsorship ban bill in 2019.

The tobacco control movement is actively engaged in monitoring tobacco industry interference and observing breach of FCTC provisions.

Romania has ratified the Framework Convention on Tobacco Control in 2005, subsequently transposing it in local legislation through Law no. 332/2005. Despite adopting several laws covering advertising, promotion and sponsorship and smoke-free environments, the legislation has been severely impacted by the TI interference in the adoption process, leading to significant gaps versus FCTC commitments and provisions. There are currently no specific provisions in the legislation to comply with art. 5.3 of the FCTC on preventing tobacco industry interference in the policy-making.

Mass-media in Romania is rarely engaged in exposing tobacco industry interference practices, primarily due to the heavy advertising budgets placed by TI in different media outlets. However, despite this, there are a few media stories that have exposed TI interference in the decision-making, especially over the last years.

## Summary Findings

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### 1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

(Summarize your evidence/ points in questions 1-4.)

At its' second round of rating tobacco industry interference in Romania, despite a challenging context due to the Covid-19 pandemic, the results show a continued such interference and lack of governmental action to counteract such practices. Tobacco industry has a long history of interference in policy development in Romania, especially during the years when the tobacco control civic movement was less organized in a joint effort. As of 2015, upon the adoption of the comprehensive smoke-free ban with active civic engagement, the tobacco industry interference was much closer scrutinized and specific attempts to block policy development constantly exposed. The transposition of the TPD in Romania overlapped in 2016 two consecutive attempts of front groups supported by the TI to relax the provisions of the SF ban. These attempts reached the phase of specific amendments to relax the SF ban provisions being included in the local transposition of the TPD. As such, the tobacco control civic movement got actively engaged into the TPD transposition in local legislation. The tobacco industry in Romania has concluded partnerships with fiscal and customs authorities which allows them to severely tamper the policy development. During 2019-2020 Romania saw an increase of the number of industry-supported front groups to advance its' interests during policy development. This was the case of the heavy industry front groups interference during the debates of the advertising, promotion and sponsorship ban legislative proposal.

### 2. INDUSTRY CSR ACTIVITIES

(Summarize your evidence/ points in question 5.)

Covid-19 was used as an opportunity for building a positive corporate image by the tobacco industry, but also as a way to interfere with governmental authorities with limited contact (like health authorities). Tobacco-related CSR activities are not banned as such in Romania due to an inadequate implementation of the FCTC, although transposed into a law in Romania in 2005. Generally, the contributions of the tobacco industry to different governmental agencies are "masked" into operational support or directed through third parties/front-groups.

### 3. BENEFITS TO THE INDUSTRY

(Summarize your evidence/ points in questions 6-7.)

Tobacco industry constantly lobbies for preferential treatment from the Government of Romania, either in the form of exemptions or benefits, or through delaying the adoption or implementation of specific policies. Although Romania is an EU country, the

government still gives subsidies for tobacco farming- although very limited as number of beneficiaries, the tobacco farming subsidy is the highest available farming subsidy.

#### **4. UNNECESSARY INTERACTION**

(Summarize your evidence/ points in questions 8-10.)

Despite frequent changes of governmental structures over the last years, tobacco industry maintains a constant pace of engaging with top governmental officials. Existing finance and customs partnerships allows direct engagement at the highest level, participation in events and high level meetings. Also, there were frequent instances of events organized through third parties, most of the times “disguising” the real purpose of the event behind different concepts. All the 3 big tobacco player companies, (PMI, BAT, JTI) meet the highest-level authorities on a regular basis, although these on-going interactions are never made public.

#### **5. TRANSPARENCY**

(Summarize your evidence/ points in questions 11-12.)

In 2016, during a 1-year mandate of a technocrat government, there was a specific initiative of the government to set-up a Transparency Registry. Such Registry would have allowed for a full transparency across governmental bodies on meetings with any commercial or non-commercial entity/interest group. The Registry started to be functional, however, it was completely dropped as of 2017 upon the instalment of a new political governmental structure. Currently, none of the interactions with the tobacco industry are made in a transparent manner. Moreover, specific attempts of the civic society in 2018 and 2019 to set transparency rules for engagement with the tobacco industry at least at Ministry of Health level were not embraced by the Ministry. During 2020, there was an extensive engagement of the tobacco industry with the Ministry of Health, other health bodies and governmental and Parliament of Romania.

#### **6. CONFLICT OF INTEREST**

(Summarize your evidence/ points in questions 13-15.)

Political parties' contributions, though governed by a specific law, were, historically, rarely scrutinized by the public opinion or media. In recent years, there has been an increase of civic society focus on these, however, almost never these inquiries focus on commercial interests or the links between specific industries' contributions and advancing the interests of such industries further. Also, due to significant tobacco industry investments behind media channels, specific investigations are very rare. A significant conflict of interest directly linked with the tobacco industry is the case of Teodor Meleşcanu, former Minister of External Affairs 2017-2019, president of the lower Chamber of the Parliament of Romania in 2019 (holding the 2<sup>nd</sup> position in the state), with relatives in high executive positions in the tobacco industry (later lobbying for tobacco industry). A note refers also to the current Corporate Affairs Director of BAT Romania who was acting in the Government of Romania Cabinet prior to the appointment.

## 7. PREVENTIVE MEASURES

(Summarize your evidence/ points in questions 16-20.)

Overall, there is almost no action taken to prevent and regulate the interference of tobacco industry in policy-making, no proactive approach towards it nor any willingness to accept civil society proposals to regulate the area. On the contrary, the government generally views the tobacco industry as a reliable and trustworthy business partner, there are frequent engagements and commitments to act to advance its' interests.

### Recommendations

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1. There should be a code of conduct for public officials to guide them when dealing with the tobacco industry. This code should provide a procedure to limit the interactions with the tobacco industry to only when strictly necessary.
2. There should be a strict code of conduct of all the health institutions and health professionals to guide them when dealing with the tobacco industry. This code and policy should provide a procedure to ban any financial or non-financial support from the tobacco industry and any engagement with the tobacco industry.
3. The government has to put in place a program to consistently raise awareness on policies relating to Article 5.3 to ensure all units of the government are aware of tobacco industry interference and to reduce unnecessary interactions.
4. The government has to require the tobacco companies to report on the various aspects of their business including marketing expenditures, revenues, lobbying and philanthropy.
5. The transparency registry must be installed.

## 2021 Tobacco Industry Interference Index Results and Findings

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<b>INDICATOR I: Level of Industry Participation in Policy-Development</b>						
I. The government <sup>1</sup> accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry <sup>2</sup> in setting or implementing public health policies in relation to tobacco control <sup>3</sup> (Rec 3.1)						<b>5</b>
<p>The tobacco product directive (TPD), a “public health policy in relation to tobacco control”, includes 2 articles for combating illicit trade with tobacco products (ITTP), we could conclude that the policies for reduction of ITTP are subject of this questionnaire, too.</p> <p>There was interference of TI in the process of implementing the track and trace system of tobacco products (defined in the TPD). The implementation of T&amp;T was delayed in Romania to end October 2019 and Romania was the only EU country with such a delay. On 25<sup>th</sup> of January 2016, the tobacco producers requested a delay of 6 months, from May 2019 to October 2019.</p> <p>The existing and renewed announced partnerships between PMI, BAT, JTI and the Customs Agency and National Fiscal Agency, the institutions responsible with T&amp;T implementation have facilitated significant interference in the policies development.</p> <p>JTI has a partnership with the Customs Police since 2013, renewed annually, last renewal in May 2021.<sup>4</sup></p> <p>JTI is running an yearly awareness campaign on illicit trade in an extended partnership across governmental institutions- National Police, Customs Police, National Fiscal Authority, National Customs Authority.<sup>5 6</sup></p>						

<sup>1</sup> The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

<sup>2</sup> The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

<sup>3</sup> “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

<sup>4</sup> Poliția Română, DETECT – COMBATEREA CONTRABANDEI CU TUTUN LA FRONTIERA UE, 15.11.2018 - <https://www.politiaromana.ro/ro/stiri-si-media/comunicate/detect-combaterea-contrabandei-cu-tutun-la-frontiera-ue>

<sup>5</sup> Poliția de Frontieră Română, Poliția de Frontieră și JTI continuă să coopereze pentru combaterea contrabandei, 20.05.2021 - <https://www.politiadefrontiera.ro/ro/main/i-politia-de-frontiera-si-jti-continua-sa-coopereze-pentru-combaterea-contrabandei-23915.html>

<sup>6</sup> Poliția de Frontieră Română , „Contrabanda este crimă organizată!”, 08.11.2020 - <https://www.politiadefrontiera.ro/ro/main/i-contrabanda-este-crima-organizata-21633.html>

BAT is running a joint awareness campaign with the Customs Police and the National Fiscal Authority since 2019.<sup>7</sup>

PMI had joint activities with the Customs Police, including a grant for equipment under the PMI Impact financing project (July 2918-July 2020).



2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)						5
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During 2020, BAT has attempted to use policy makers to introduce a legislative proposal meant to increase taxation for heated tobacco products. The initiative was targeted at key market leader of heated tobacco products, PMI. A full investigation in Romania revealed PMI’s influence in blocking this proposal via policy makers.<sup>8 9 10 11</sup>

The National Customs Authority issued on the 30<sup>th</sup> of January 2019 the National Strategy for addressing illicit trade of tobacco products 2019-2021 which mentions is drafted in collaboration with tobacco companies. The strategy includes an industry friendly clause: Development of inter-institutional collaboration with the business environment.<sup>12</sup>

3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		1				
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<sup>7</sup> Poliția de Frontieră Română, 21 aprilie – Ziua națională împotriva traficului ilicit, 21.04.2021 - <https://www.politiadefrontiera.ro/ro/main/i-21-aprilie--ziua-nationala-impotriva-trafficului-ilicit--23667.html>

<sup>8</sup> Profit.ro, Presa: BAT pune presiuni pe Guvernul Croației pentru majorarea accizelor la produsele alternative de fumat, o încercare de a-și afecta astfel concurentul PMI. Și în România a apărut, netransparent, un astfel de amendament, 2.11.2020 - <https://www.profit.ro/povesti-cu-profit/vecini/presa-bat-pune-presiuni-guvernul-croatiei-majorarea-accizelor-produsele-alternative-fumat-incercare-afecta-astfel-concurentul-pmi-romania-apatut-netransparent-astfel-amendament-19570311>

<sup>9</sup> Rise Project, Taxa dintre fum și abur, 9.12.2020 - <https://www.riseproject.ro/taxa-dintre-fum-si-abur/>

<sup>10</sup> Nicolae, Ioana, Bătălia gigantilor din industria tutunului – frontul românesc, 11.12.2020 - <https://www.impact.ro/batalia-gigantilor-din-industria-tutunului-frontul-romanesc-117013.html>

<sup>11</sup> Simion, Andrei, Bătălie între Philip Morris și British American Tobacco. Ce se întâmplă între cei doi giganti din industria tutunului, 11.12.2020- <https://playtech.ro/stiri/batalie-intre-philip-morris-si-british-american-tobacco-ce-se-intampla-intre-cei-doi-giganti-din-industria-tutunului-247493>

<sup>12</sup> Agenția Națională de Administrare Fiscală, Comunicat de presă - Strategia națională a autorității vamale pentru prevenirea și combaterea traficului ilicit cu țigarete și produse din tutun 2019-2021 a fost aprobată de Ministerul Finanțelor Publice, 30.01.2019 - <http://www.customs.ro/assets/pdf/comunicate/2776.pdf>

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No such incident.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) <sup>13</sup> (Rec 4.9 & 8.3)		1				
No such incident.						
<b>INDICATOR 2: Industry CSR activities</b>						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)  B. The government (its agencies and officials) receives contributions <sup>14</sup> (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						
Covid-19 context triggered extensive attempts for CSR activities by the tobacco industry, in a crisis situation with significant financial and resources needs. Taking advantage of this context, BAT has attempted to conclude an official partnership with the Ministry of Health to donate medical equipment needed for COVID-19 treatment. Following civil society engagement, this donation was blocked. However, BAT still donated the equipment to several local hospitals under Ministry of Health coordination. <sup>15</sup>  A significant breach of international rules on CSR engagement from tobacco industry was faced in the case of the PMI 1 Million USD donation to the Red Cross Romania in March 2020- the Red Cross is a partially governmentally supported NGO. <sup>16</sup>  At local governmental levels, BAT has concluded partnerships with several local city administrations under an ecological project umbrella, to collect and recycle cigarettes butts. In Jan 2021 the campaign was extended to include heated tobacco products. <sup>17 18</sup>						5

<sup>13</sup> <http://www.who.int/fctc/cop/en/>

<sup>14</sup> Political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

<sup>15</sup> [www.spital-barlad.ro](http://www.spital-barlad.ro), Încă o veste bună pentru noi, pentru pacienții care au nevoie de suport respirator în lupta pentru supraviețuire cat si pentru acoperirea nevoilor de tratament in ATI pe viitor., 13.05.2020 - <https://www.spital-barlad.ro/inca-o-veste-buna-pentru-noi-pentru-pacientii-care-au-nevoie-de-suport-respirator-in-lupta-pentru-supravietuire-cat-si-pentru-acoperirea-nevoilor-de-tratament-in-ati-pe-viitor/>

<sup>16</sup> Profit.ro, Philip Morris donează, în România, 1 milion de dolari pentru Crucea Roșie, 27.03.2020 -

<https://www.profit.ro/insider/companii/philip-morris-doneaza-in-romania-1-milion-de-dolari-pentru-crucea-rosie-19314767>

<sup>17</sup> Economica.net, Campania „ALEGE ASUMAT UN ORAȘ CURAT” se lansează în Constanța. 200 de scrumiere stradale pentru fumători, 21.09.2020 - [https://www.economica.net/campania-alege-asumat-un-oras-curat-se-lanseaza-in-constan-a-200-de-scrumiere-stradale-pentru-fumatori\\_190128.html](https://www.economica.net/campania-alege-asumat-un-oras-curat-se-lanseaza-in-constan-a-200-de-scrumiere-stradale-pentru-fumatori_190128.html)

<sup>18</sup> Ecotic.ro, BAT dă în urmărire versiunile anterioare de glo – se oferă recompensă!, 26.01.2021 - <https://www.ecotic.ro/stiri/alege-asumat-un-oras-curat/>



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<b>INDICATOR 3: Benefits to the Tobacco Industry</b>						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)						5
<p>The tobacco product directive (TPD), a “public health policy in relation to tobacco control”, includes 2 articles for combating illicit trade with tobacco products (ITTP), we could conclude that the policies for reduction of ITTP are subject of this questionnaire, too.</p> <p>From this perspective, there are proves for the interference of TI in the process of implementing the track and trace system of tobacco products (defined in the TPD):</p> <p>The implementation of T&amp;T was delayed in Romania to end October 2019 and Romania was the only EU country with such a delay. On 25<sup>th</sup> of January 2016, the tobacco producers requested a delay of 6 months (180 days). <sup>19 20 21 22</sup></p>						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
<p>Subsidies for tobacco farming are available, at one of the highest rates among all types of agricultural subsidies- at an average of 1487 EUR/ha.(1.65 Million EUR total payments to 334 producers in 2019). Details on the legislation for this in 2020 reflected on the governmental website and on the key legislative governmental portal. <sup>23 24</sup></p> <p>News articles on the topic appeared in a key general and a key economic newspaper. <sup>25</sup></p>						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
8. Top level government officials (such as President/ Prime Minister or Minister <sup>26</sup> ) meet with/ foster relations with the tobacco						5

<sup>19</sup> Zamfir, Claudiu, *O comisie de senatori si-a asumat "copy/paste" cerintele ale companiilor de tigari intr-o lege. Cu tot cu greselile de ortografie*, Hotnews, 24.03.2016 - <https://www.hotnews.ro/stiri-esential-20889239-comisie-senatori-asumat-copy-paste-cerintele-ale-companiilor-tigari-intr-lege-tot-greselile-ortografie.htm>

<sup>20</sup> Agenția Națională de Administrare Fiscală, *ORDIN nr. 2.138 din 2 august 2019 privind contractele de stocare de date încheiate ca parte a unui sistem de trasabilitate pentru produsele din tutun*, MONITORUL OFICIAL nr. 683 din 19 august 2019, 19.08.2019 - <http://legislatie.just.ro/Public/DetaliuDocument/217215>

<sup>21</sup> Autor, *Informare DGV: Se interzice cumpararea produselor din tutun care NU au inscise anumite coduri*, Fiscalitatea.ro, 30.12.2019 - <https://www.fiscalitatea.ro/informare-dgv-se-interzice-cumpararea-produselor-din-tutun-care-nu-au-inscise-anumite-coduri-19844/>

<sup>22</sup> Bernovici, Anca, *Late transposition of the Tobacco Directive generates further losses for retailers, manufacturers and the State budget*, 19.05.2017 - <https://www.romaniajournal.ro/business/late-transposition-of-the-tobacco-directive-generates-further-losses-for-retailers-manufacturers-and-the-state-budget/>

<sup>23</sup> Ministerul Agriculturii și Dezvoltării Durabile, *Tutun si hamei* - <https://www.madr.ro/culturi-de-camp/plante-tehnice/tutun-si-hamei.html>

<sup>24</sup> Agroinfo, *SUBVENȚIILE APIA, LA PLATĂ ÎN 2020!*, 02.01.2020 - <https://www.agroinfo.ro/vegetal/subventiile-apia-la-plata-in-2020>

<sup>25</sup> Năsui, Claudiu, *„Știți unde dă statul cea mai mare subvenție agricolă? La tutun.”*, 01.07.2019 - <https://www.factual.ro/declaratii/claudiu-nasui-cea-mai-mare-subventie-agricola-este-la-tutun/>

<sup>26</sup> Includes immediate members of the families of the high-level officials

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companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						

2020 had limited physical public officials engagements due to the Covid-19 restrictions. However, we still find ministerial level officials attending online events sponsored by tobacco companies, for example JTI sponsoring an event attended by the Minister of Economy.<sup>27</sup>

In February 2021, the president of the culture committee of the National Parliament attended an event organized by the Minister of Culture, sponsored by JTI and with JTI representatives attending.<sup>28</sup>

*„Ne-am dorit o legătură între tradiția pe care o găzduim la Muzeului Țăranului Român și contemporaneitate. Pentru că este o expoziție despre Brâncuși, despre cum noi, cei de astăzi, îl vedem.”*

Vergil Nițulescu, directorul Muzeului Țăranului Român

„Această expoziție pornește de la public spre Brâncuși. Am întrebât oamenii din jur ce știu și ce cred despre Brâncuși și ne-am dat seama că există amănunte din viața lui cu care ne-am putea identifica și astfel să reușim să-l înțelegem mai bine. Ne-am dorit să vă puteți privi în opera lui ca într-o oglindă”, a precizat Silvana Dulamă-Popa, curatoarea expoziției.



Conferința de presă Minora of Brâncuși/ foto Minora of Brâncuși

End 2019, the President of the Budget Committee in the Parliament attended the launch event for a key industry front group.<sup>29</sup>

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)						5
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JTI has a partnership with the Customs Police since 2013, renewed annually, last renewal in May 2021.

<sup>27</sup> G4media, Webinar "Deciziile în Noua Economie": Cum va decurge business-ul în noul context post-pandemie (Parteneriat), 26.05.2020 - <https://www.g4media.ro/webinar-deciziile-in-noua-economie-cum-va-decurge-business-ul-in-noul-context-post-pandemie-parteneriat.html>

<sup>28</sup> Tănăsescu, Alexandra, "Mirrors of Brâncuși", expoziția de 200.000 de euro organizată la Muzeul Țăranului Român, 19.02.2021 - <https://culturaladuba.ro/mirrors-of-brancusi-expozitia-de-200-000-de-euro-organizata-la-muzeul-taranului-roman/>

<sup>29</sup> Parlamentul României, Camera Deputaților, 12.11.2019 - <https://www.facebook.com/cameradeputatilor/photos/domnul-deputat-sorin-laz%C4%83r-pre%C8%99edintele-comisiei-pentru-buget-finan%C5%A3e-%C5%9Fi-b%C4%83nci-a/1185810571617718/>

JTI is running an yearly awareness campaign on illicit trade in an extended partnership across governmental institutions- National Police, Customs Police, National Fiscal Authority, National Customs Authority.<sup>30</sup>

BAT is running a joint awareness campaign with the Customs Police and the National Fiscal Authority since 2019.<sup>31</sup>

PMI had joint activities with the Customs Police, including a grant for equipment under the PMI Impact financing project (July 2918-July 2020).<sup>32</sup>

Photo from the official signature of the Renewed JTI/Customs Police Agreement May 2021.



10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)  
NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.

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At local governmental levels, BAT has concluded partnerships with several local city administrations under an ecological project umbrella, to collect and recycle cigarettes butts. In Jan 2021 the campaign was extended to include heated tobacco products.<sup>33 34</sup>

<sup>30</sup> Poliția de Frontieră Română , „Contrabanda este crimă organizată!”, 08.11.2020 -

<https://www.politiadefrontiera.ro/ro/main/i-contrabanda-este-crima-organizata-21633.html>

<sup>31</sup> Poliția de Frontieră Română, 21 aprilie – Ziua națională împotriva traficului ilicit, 21.04.2021 -

<https://www.politiadefrontiera.ro/ro/main/i-21-aprilie--ziua-nationala-impotriva-trafficului-ilicit--23667.html>

<sup>32</sup> Poliția Română, DETECT – COMBATEREA CONTRABANDEI CU TUTUN LA FRONTIERA UE, 15.11.2018 -

<https://www.politiaromana.ro/ro/stiri-si-media/comunicate/detect-combaterea-contrabandei-cu-tutun-la-frontiera-ue>

<sup>33</sup> Economica.net, Campania „ALEGE ASUMAT UN ORAȘ CURAT” se lansează în Constanța. 200 de scrumiere stradale pentru fumători, 21.09.2020 - [https://www.economica.net/campania-alege-asumat-un-oras-curat-se-lanseaza-in-constan-a-200-de-scrumiere-stradale-pentru-fumatori\\_190128.html](https://www.economica.net/campania-alege-asumat-un-oras-curat-se-lanseaza-in-constan-a-200-de-scrumiere-stradale-pentru-fumatori_190128.html)

<sup>34</sup> Ecotic.ro, BAT dă în urmărire versiunile anterioare de glo – se oferă recompensă!, 26.01.2021 -

<https://www.ecotic.ro/stiri/alege-asumat-un-oras-curat/>

In November 2019, BAT announces a partnership with the National Consumer Protection Agency on an awareness sales to minors' campaign in 30.000 stores, continued over 2020, including a dedicated toll free line.<sup>35</sup>



**INDICATOR 5: Transparency**

11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2) 5

In 2016, the Government of Romania has initiated a Registry of Interests Transparency, requiring the private and non-governmental entities to register, disclose meetings, etc. However, the Registry has functioned on a limited basis only during 2017 and was dropped upon subsequent changes of government. During 2020, there are no entries of meetings for each of the 3 big tobacco companies.

During June 2019-Jun 2020, the draft bill on tobacco control, including tobacco advertising, promotion and sponsorship ban, taxation and regulation of HTP's was debated in the lower and upper Chambers of the Parliament. Tobacco industry and its' front groups attended each of the subsequent hearings in the debates committees. For each of these incidents, printed or online media reflected this attendance. There were more than 10 such individual debates sessions.<sup>36</sup>



<sup>35</sup> România TV, 30.000 de magazine din România anunță zero toleranță pentru vânzarea de produse din tutun către minori. Campanie BAT și ANPC, Romani TV, 8.11.2019 - [https://www.romaniatv.net/30-000-de-magazine-din-romania-anunta-zero-toleranta-pentru-vanzarea-de-produse-din-tutun-catre-minori-campanie-bat-si-anpc\\_497068.html](https://www.romaniatv.net/30-000-de-magazine-din-romania-anunta-zero-toleranta-pentru-vanzarea-de-produse-din-tutun-catre-minori-campanie-bat-si-anpc_497068.html)  
<sup>36</sup> Andrei, Cristian, USR acuză un blat între PNL, PSD și industria tutunului la votul final pentru noua lege privind fumatul , 29.06.2020 - <https://romania.europalibera.org/a/usr-acuz%C4%83-un-blat-%C3%AEntre-pnl-psd-%C8%99i-industria-tutunului-la-votul-final-pentru-noua-lege-privind-fumatul/30696752.html>

	0	1	2	3	4	5
Photo from the Culture Committee debate with JTI representatives attending, June 2020.						
End 2019, the President of the Budget Committee in the Parliament attended the launch event for a key industry front group. <sup>37</sup>						
Also, before any correction of the Fiscal Code (which gets regularly updated and includes revisions of excise taxes, etc), the Ministry of Finance organizes consultation meetings with the tobacco industry- none are reflected in transparency procedure.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
No such rules existing.						
<b>INDICATOR 6: Conflict of Interest</b>						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)					4	
The Elections Law 334/2006 and Governmental Decree HG 10/2016 do not specifically prohibit tobacco companies from making such contributions. However, art. 6 of the abovementioned laws stipulates that the political parties are forbidden from accepting, directly or indirectly, donations or loans made with the specific purpose of obtaining an economic advantage. The Law and the Decree specifically mentions that these contributions are public information which can be requested by any interested party. <sup>38</sup>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No such incident in 2020.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
No such incident in 2020.						

<sup>37</sup> Parlamentul României, Camera Deputaților, 12.11.2019 - <https://www.facebook.com/cameradeputatilor/photos/domnul-deputat-sorin-laz%C4%83r-pre%C8%99edintele-comisiei-pentru-buget-finan%C5%A3e-%C5%9F-b%C4%83nci-a/1185810571617718/>

<sup>38</sup> Parlamentul României, LEGE nr. 334 din 17 iulie 2006 (\*\*republicată\*\*) privind finanțarea activității partidelor politice și a campaniilor electorale, MONITORUL OFICIAL nr. 446 din 23 iunie 2015, 23.07.2015 - <http://legislatie.just.ro/Public/DetaliiDocument/1208300>

	0	1	2	3	4	5
<b>INDICATOR 7: Preventive Measures</b>						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
No such policy/procedure.						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)						5
There is no code of conduct for public officials when dealing with the tobacco industry.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)				3		
Under the Tobacco Products Directive, the tobacco industry is required to report on production, manufacture and revenues but they were not implemented in 2020. There is no requirement on reporting on market share, marketing expenditures, lobbying and other contributions.						
19. The government has a program / system/ plan to consistently <sup>39</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
There is no report available on how the government has put in place a program to consistently raise awareness on policies relating to Article 5.3						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)						5
There is no policy in place to disallow contributions/gifts from the tobacco industry on assistance or study visits for government officials.						
<b>TOTAL</b>						<b>79</b>

<sup>39</sup> For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

## ANNEX A: SOURCES OF INFORMATION

### TOBACCO INDUSTRY ACTIVITY

#### Annexes

### TOBACCO INDUSTRY TOP PLAYERS(Turnover, profit, number of employees 2019)

Grup	CA în 2019 (mld. lei)	Profit net în 2019 (mil. lei)	Nr. mediu de angajați în 2019
British American Tobacco	11,5	129,1	2.600
Philip Morris International	3,33	344	1.094
Japan Tobacco International	2,35	543	1.156

### NEWS SOURCES PRINT

Top 5 Newspaper/Dailies*	Type (Print/Online)	Total released (between October – December 2020)
Click	Print	41.648
Libertatea	Print	21.056
Evenimentul Zilei	Print	6.692
Adevarul	Print	4.574
Jurnalul	Print	2.378

\*Basis of Ranking: Circulation. Ranking Authority: BRAT

### ROMANIA- NEWS SOURCES ONLINE

Top 5 Newspaper/Dailies*	Type (Online)	Views (at June 29th 2021)
Digi24.ro	Online	3.114.741
Stiripesurse.ro	Online	1.652.960
Adevarul.ro	Online	1.462.519
Hotnews.ro	Online	1.367.765
Stirileprotv.ro	Online	1.169.718
Libertatea.ro	Online	1.073.339
Observator.ro	Online	911.442
Mediafax.ro	Online	878.433

\*Basis of Ranking: Circulation. Ranking Authority: BRAT

## LAWS, POLICIES, AND ISSUANCES:

### HEALTH LAWS:

Is there a health law database? If yes, please list which one will be used and cite the limitations: No.

If there is no existing health law database, then list the primary source of the law listing to be searched: [www.legislatie.just.ro](http://www.legislatie.just.ro)

Does the above sources include issuances? Yes.

#### ALL LAWS:

Is there a centralized (all) law database? If yes, please list which one will be used and cite the limitations: [www.legislatie.just.ro](http://www.legislatie.just.ro).

#### GOVERNMENT AGENCIES

Agency	Specify if more than one office is involved in this function:	General Sources of Information/ News for each office
1. Office of the Prime Minister	<a href="http://www.gov.ro">www.gov.ro</a> <a href="https://gov.ro/ro/prim-ministru/prim-ministru">https://gov.ro/ro/prim-ministru/prim-ministru</a>	<a href="https://gov.ro/ro/media">https://gov.ro/ro/media</a>
2. National Assembly (Policy makers)	<a href="http://www.cdep.ro">www.cdep.ro</a> <a href="http://www.senat.ro">www.senat.ro</a>	<a href="http://www.cdep.ro">www.cdep.ro</a> <a href="http://www.senat.ro">www.senat.ro</a>
3. Agriculture	<a href="http://www.madr.ro">www.madr.ro</a>	<a href="http://www.madr.ro">www.madr.ro</a>
4. Customs	<a href="http://www.politiadefrontiera.ro">www.politiadefrontiera.ro</a>	<a href="http://www.politiadefrontiera.ro">www.politiadefrontiera.ro</a>
5. Education	<a href="http://www.men.ro">www.men.ro</a>	<a href="http://www.men.ro">www.men.ro</a>
6. Environment	<a href="http://www.mmediu.ro">www.mmediu.ro</a>	<a href="http://www.mmediu.ro">www.mmediu.ro</a>
7. Finance/ Revenue/ Investments/ Excise	<a href="http://www.anaf.ro">www.anaf.ro</a> <a href="http://www.mfp.ro">www.mfp.ro</a>	<a href="http://www.anaf.ro">www.anaf.ro</a> <a href="http://www.mfp.ro">www.mfp.ro</a>
8. Health	<a href="http://www.ms.gov.ro">www.ms.gov.ro</a>	<a href="http://www.ms.gov.ro">www.ms.gov.ro</a>
9. Labor	<a href="http://www.mmuncii.ro">www.mmuncii.ro</a>	<a href="http://www.mmuncii.ro">www.mmuncii.ro</a>
10. Trade and Industry/ Investments	<a href="http://www.imm.gov.ro/ro/">http://www.imm.gov.ro/ro/</a>	<a href="http://www.imm.gov.ro/ro/">http://www.imm.gov.ro/ro/</a>
Additional agencies/sectors		
11. Culture	<a href="http://www.cultura.ro">www.cultura.ro</a>	<a href="http://www.cultura.ro">www.cultura.ro</a>
12. Romanian Police	<a href="http://www.politiaromana.ro">www.politiaromana.ro</a>	<a href="http://www.politiaromana.ro">www.politiaromana.ro</a>

#### TOBACCO FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	Source
Coalitia pentru Libertatea Comertului si Comunicarii	Front Group	<sup>40</sup> <a href="https://www.clcc.ro/">https://www.clcc.ro/</a>
Asociatia Nationala a Comerciantilor Mici si Mijlocii	Front Group	<a href="http://www.ancmmr.ro">www.ancmmr.ro</a>
Asociatia Combaterea Traficului Ilicit Viitorul	Front Group	<a href="http://www.asociatiaactiv.ro">www.asociatiaactiv.ro</a>

<sup>40</sup> Cristian, Mircea F., *Coalitia pentru Libertatea Comerțului și a Comunicării, lansare oficială*, DC News, 12.11.2019 - [https://www.dcnews.ro/coalitia-pentru-libertatea-comertului-si-a-comunicarii-lansare-oficiala\\_709999.html](https://www.dcnews.ro/coalitia-pentru-libertatea-comertului-si-a-comunicarii-lansare-oficiala_709999.html)



**TOBACCO COMPANIES**

Top 5 Transnational Tobacco Company	SEATCA Report (Y if SEATCA Report contains information on this, N if not)	Sources other than SEATCA Report
PMI	N	Local Website link: <a href="http://www.pmi.ro">www.pmi.ro</a>
BAT	N	Global Website link
JTI	N	Global Website link
China Tobacco International	N	Local Website link <a href="https://www.ctiec.cc/about-us/">https://www.ctiec.cc/about-us/</a>