

United Kingdom



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry (TI) and its affiliated organizations are permitted to submit responses to public consultations and commissioned policy reviews, including tobacco control issues. These included Javed Khan's review (which received submissions from the big four tobacco companies) of the government's smokefree 2030 objective in England and the Scottish Government's consultation on advertising rules for vaping products. These consultations usually require a declaration of interest to establish TI links; industry responses are usually published with the consultation outcome. Only one consultation – on the tobacco control strategy for Wales – clearly stated that industry responses would not be taken into consideration in policy development.

There was significant interaction between Members of Parliament and the TI, including on issues of policy development. For example, the Scottish Parliament lobbying register shows that many of the lobbying meetings were related to the aforementioned consultation. This included lobbying of one parliamentarian who was a government minister at the time. Also in Scotland, three groups with direct TI connections are represented in departmental and parliamentary groups concerned with tobacco control.

2. INDUSTRY CSR ACTIVITIES

TI activities described as "socially responsible" are not banned in the UK. There were a number of incidents wherein members of the All-Party Parliamentary Group for Vaping appeared at TI-sponsored or organized events and endorsed industry positions. There were also incidents of legislators in

Westminster; the Scottish Parliament and the Welsh Senedd hosting or sponsoring events on the illicit trade for Japan Tobacco International (JTI). In Northern Ireland, the Gallaher Trust, a charity with links to JTI, continues to contribute to various causes. JTI is also listed as a corporate supporter of the British Museum. Finally, two members of the House of Lords were identified as directors of an industry-funded company set up to tackle the problem of smoking-related litter.

3. BENEFITS TO THE INDUSTRY

There is no evidence that the UK government or its devolved administrations granted specific benefits or exemptions to the TI. However, there are still no clear rules in place to prevent this from happening.

The major tobacco companies continued to pay very low levels of corporate tax in the UK, though this is not unique to the tobacco industry or the UK. Post-Brexit, European Union (EU) restrictions on single-use plastics have been added to the Northern Ireland Protocol, meaning these regulations now apply in Northern Ireland. The TI expressed concerns that they may be unable to comply with this change and met with the Department for Environment, Food and Rural Affairs to discuss the matter. Northern Ireland failed to meet its deadline of 1 January 2022 to comply with EU regulation – though there is no evidence a specific exemption was granted to the TI. Finally, though the government has extended the WHO FCTC to the territory of the Cayman Islands, it has not done the same for the Protocol to Eliminate Illicit Trade in Tobacco Products.

4. UNNECESSARY INTERACTION

A wide range of unnecessary interactions with the TI and affiliated organizations were recorded. These involved senior ministers, both in the UK Government and the Scottish Government; diplomatic staff, including the British Ambassador to Yemen; and political parties, mostly in the form of industry participation at side events at party conferences. British American Tobacco (BAT) received government-approved awards and certifications on issues such as disability support and diversity and inclusion, which it publicized in its promotional materials. Local authorities, particularly trading standards departments, continue to work with the TI - especially on illicit trade. Many of these interactions are not publicized. Furthermore, in 2021, the UK's new track and trace system was outsourced to a company with links to the TI. Finally, several incidents were identified of local council pension funds investing in the TI, principally in BAT.

5. TRANSPARENCY

There are still no comprehensive rules on full disclosure of interactions with the TI, and the industry and its associates are not required to register with the government. Though a 2015 law requires registration of consultant lobbyists, this only applies to professional lobbyists who are VAT registered. However, in Scotland there is an official Lobbying Register in which all regulated (i.e., face-to-face) lobbying must be recorded. The Department of Health and Social Care (England) confirmed that when the government opens consultations that may involve TI input, a reference to Article 5.3 is included and respondents are formally asked to declare any ties with the TI.

6. CONFLICT OF INTEREST

There are general rules in the UK regulating political contributions and the disclosure of such contributions, including a requirement to declare any donation worth over GBP £7,500 to a national political party. However, there is no legislation preventing the TI from donating to political parties, candidates or campaigns. Several MPs received money or gifts from the TI or its associates. While no evidence was found of government officials simultaneously holding positions in the TI, extensive evidence was found of past involvement of cabinet ministers and senior government officials with the TI and its affiliated organizations, both directly and indirectly from 2019 to present. Similar incidents were recorded involving Members of the House of Lords, local councilors and civil servants.

7. PREVENTIVE MEASURES

There are a number of policies across several different government departments which aim to regulate government interactions with the TI. The 2011 Tobacco Control Plan for England stated that to "ensure further transparency, the Government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments." This commitment was reinforced in 2017. Likewise, Public Health England issued a protocol for engagement with tobacco and nicotine producers in 2016 and updated in 2018.

However, outside departments concerned with health, such preventive measures are weaker. For example, though His/Her Majesty's Revenue and Customs guidance on interaction with the TI states that meetings on matters related to tobacco control should be accountable and transparent, it grants exemptions for meetings on consumer compliance issues and illicit tobacco. There are also issues with compliance with preventive measures. Despite the existence of a code of conduct for overseas civil servants dealing with the TI (December 2013), violations of this code have been documented.