

Malaysia

Overall score:

63

Summary of Findings

1. Industry participation in policy development

Overall, Malaysia has maintained a "no direct participation of the tobacco industry" in policy development rule. The tobacco industry and its spokespeople ran an aggressive campaign using high smuggling figures to oppose tax increases. This resulted in another year with no excise tax increase. The Border Security Agency, AKSEM, which has the Kenaf Board in the committee (Japan Tobacco is on the Kenaf Board) continued with its activities to conduct raids on smuggling of tobacco.

2. Industry CSR activities

Philip Morris International (PMI) continued to sponsor Yayasan Salam Malaysia's activity on the "Back-to-School" program which was officiated by the political secretary of the Prime Minister and endorsed by the government and the Chief Minister of Kedah.

3. Benefits to the industry

In 2017, PMI started to sell its IQOS heated tobacco product without pictorial health warnings (PHW) and there has been no enforcement to apply the PHW on these products. According to the Control of Tobacco Products Regulation, heated tobacco products are tobacco products. Several outstanding tobacco control issues such as plain packaging of tobacco products, licensing of retailers and a ban on e-cigarettes saw no progress. Malaysia continues to allow international travelers to bring 200 sticks of cigarettes into Malaysia. On the plus side, in ATIGA

(ASEAN Trade in Goods Agreement), Malaysia has been able to keep tobacco on the sensitive list and has not reduced import duties to zero.

4. Unnecessary interaction

The Deputy Minister of International Trade and Industry attended the American Malaysian Chamber of Commerce (AMCHAM) year-end signature event, the Thanksgiving and MY AMCHAM CARES celebrations. Philip Morris Malaysia was among the main sponsors of the event.

5. Transparency

There is no official record-keeping of when the tobacco industry meets with government officials. There are no rules for the disclosure or registration of tobacco industry entities, affiliated organizations or individuals acting on their behalf including lobbyists.

6. Conflict of interest

There were no new appointments among recent senior government retirees. The former Secretary General of the Ministry of Home Affairs remains the Chairman of British American Tobacco (BAT) Malaysia. The employee provident fund (EPF) continues to hold shares in tobacco business (BAT).

7. Preventive measures

There has been no progress in preventive measures. While the Ministry of Health started to develop a code of conduct for Ministry of Health officials several years ago, there was no progress on it in 2019. There is still no procedure in place for disclosing records of interactions with the tobacco industry and its representatives.



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Recommendations

1. To ensure transparency there must be a procedure for government officials to record all interactions, where strictly necessary, with the tobacco industry.
2. Ban tobacco-related CSR activities.
3. The tobacco industry should not be given any benefit to run its business. Tobacco control legislation must be implemented.
4. Tobacco companies should not be involved in agencies responsible for regulation, such as AKSEM.
5. A code of conduct for government officials is needed to provide guidance on dealing with the tobacco industry. The code will stop government officials from endorsing tobacco-related activities and the tobacco industry.