
Argentina

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

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Background and Introduction

In Argentina, tobacco consumption causes 45,000 deaths (14% of total deaths). In addition, thousands are diagnosed with cancer, pneumonia, cerebrovascular accidents, cardiovascular diseases, and COPD. Costs associated with smoking represent 1.2% of the Argentine State's gross domestic product¹.

The National Tobacco Control Law, which serves as the most comprehensive regulatory framework for the implementation of tobacco control policies, has been in force for 12 years. Although it has allowed progress in concrete policies -such as health warnings, prohibition of advertising on public roads, and smoke-free environments- it still lacks the complete prohibition of advertising, promotion and sponsorship of tobacco products and the total prohibition of the promotions at points of sale. In addition, the national regulatory framework should advance in measures to control the Corporate Social Responsibility (CSR) activities of the tobacco industry (TI), and the implementation of a code of conduct for officials that regulates the interaction and interference of the TI industry.

On the other hand, although Argentina has signed the WHO Framework Convention on Tobacco Control (FCTC), it has not yet ratified it, which represents a pending debt for public health. Although part of the current legislation contemplates the main measures of the WHO FCTC, ratification is necessary since the Convention stipulates a series of tools, measures, and international cooperation mechanisms that cannot be replaced by national policies. Furthermore, ratification would mean advancing effective strategies that limit tobacco companies' interference and strengthen governmental action to promote public health policies.

Recently, the National Ministry of Health issued a resolution (565/2023) prohibiting the importation, distribution, commercialization, advertising, sponsorship, and promotion of heated tobacco products². These actions, in part the result of the work of civil society organizations, would be protected and strengthened by the ratification of the WHO FCTC.

In comparison with the previous TI Interference Index, there is both progress and setbacks. In terms of progress, there is no evidence to support that members of the government or people close to them are actively involved in tobacco companies. In the reported period, no public hearings were found between the national government and TI.

Regarding setbacks, there is evidence of strong support for TI's CSR strategies to strengthen its governmental links. In addition, there is a lack of policies to reduce conflict of interest and increase transparency. In addition, there are tax conflicts involving the industry and complaints about TI's participation in governmental tax discussion. Finally, the tobacco sector in Argentina continues to lobby to prevent accession to the WHO FCTC.

¹ "Encuesta Nacional de Factores de Riesgo". INDEC. 2018. Available at: https://www.indec.gob.ar/ftp/cuadros/publicaciones/enfr_2018_resultados_definitivos.pdf

² Resolution of the National Ministry of Health 565/2023: Available at; <https://www.boletinoficial.gob.ar/detalleAviso/primera/283303/20230327>

The analysis of the tobacco industry's interference allows us to warn about the new strategies with which it seeks to whitewash its harmful business and strengthen its links with the different levels of the State. CSR strategies are complemented by actions related to green-washing and gender-washing.

In this context, the report offers a compilation of the main actions and strategies of the tobacco industry in Argentina with the objective of identifying and analyzing its interference in the actions of the national and subnational governments. The document is based on publicly available information for the period April 2021 to March 2023. It is hoped that the information can nurture civil society actions to strengthen public health and eradicate the tobacco industry from the policy map.

The report uses a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country.

Summary Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

TI is not authorized to be a part of the National Tobacco Control Commission convened by the National Ministry of Health. Despite this, the tobacco industry, through front groups, has participated in the discussion of projects for the regulation of vaping and heated tobacco, and in projects for the prohibition of advertising, sponsorship, and prohibition of tobacco products. On the other hand, tobacco companies interfere in tax discussions on tobacco products. In addition, there is evidence of tobacco producers' interference in the promotion of the ratification of the FCTC.

2 INDUSTRY CSR ACTIVITIES

Corporate responsibility actions are allowed by the Argentinian National Tobacco Control Law. In this context, the tobacco industry has sustained its CSR activities, focusing on tobacco-producing provinces. It is evident that CSR is one of its main strategies for strengthening ties with the national and subnational governments. The focus of CSR activities is on child labor's eradication. In addition, CSR is complemented by greenwashing and gender-washing strategies.

3 BENEFITS TO THE INDUSTRY

The main benefits to the tobacco industry were tax exemptions. These exemptions, intended for medium-sized companies, were granted through judicial channels. There is a judicialization of tax obligations by companies that sell cheap cigarettes: the prices are sustained through the precautionary measures they obtain in order not to pay taxes. The tax discussions involve all the tobacco companies and there are complaints of interference of the big companies to members of the Chamber of Deputies.

4 UNNECESSARY INTERACTION

The participation of policymakers from national and subnational Executive Branches in events (in person and online) financed by the TI has been verified on diverse opportunities. The most intense interaction found between different levels of government and TI is through CSR actions and actions to avoid cigarette smuggling.

5 TRANSPARENCY

Argentina does not have a registry of associations or companies related to the tobacco industry. On the other hand, at the national level, the public hearing consultation system makes it easy to monitor the existence of meetings between the government and IT. At the sub-national level, however, this becomes more complex and challenging.

6 CONFLICT OF INTEREST

The political parties financing law does not include a prohibition for tobacco companies to contribute money to the campaigns of pre-candidates and candidates for positions in the legislative and executive branches. At the national level, a gift from a tobacco company to a government official was found. On the other hand, it is encouraging that there is no evidence to confirm that government officials or people close to them are actively involved in tobacco companies.

7 PREVENTIVE MEASURES

Argentina does not have codes of conduct, plans, or systems to discourage the interference of the TI in public policies. The National Ministry of Health is the only branch of the government that has measures (still partial measures) to prevent the interaction between public officials and the TI in the design of tobacco control policies. Regarding public information, the Ministry of Health does not have information related to the amount spent on advertising and sponsorship of tobacco products by medium-sized companies. On the other hand, the Ministry of Economy of the Nation has updated statistics on tobacco production.

Recommendations

Compared to the Global Index 2022, Argentina has the same troubles in many ways in terms of transparency and tobacco control policies. The following recommendations remain necessary to be enacted:

- Argentina remains one of the few countries that have ratified the WHO Framework Convention on Tobacco Control. It must be ratified.
- The government should modify and update the National Tobacco Control Law in order to completely ban all forms of tobacco products marketing, including the prohibition of TI's CSR actions and a better system of monitoring and control of effective compliance. This prohibition of marketing should include traditional and new tobacco products.
- The Government should develop a registry of companies and associations, including vaping organizations, linked to the TI. This registry should include information about TI lobbyists, both at the national and subnational levels.
- The government should develop a Code of Conduct aimed at officials from all branches, including clear and binding guidelines; thus restricting interactions between public officials and the TI. Also, the law on political parties must prevent tobacco companies from financing their campaigns. These actions should be taken together with civil society organizations without conflict of interest.

ARGENTINA

Tobacco Industry Interference Index 2023

Results and Findings

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INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ³ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁴ in setting or implementing public health policies in relation to tobacco control ⁵ (Rec 3.4)				3		
<p>In Argentina there is the National Commission for Tobacco Control created by Decree 602/2013 which regulates the National Tobacco Control Law No. 26,687. This commission is located within the scope of the Ministry of Health. Article 2 of the Decree establishes the public agencies and institutions that are part of the Commission and invites programs or areas of other subnational jurisdictions in the field and civil society and academic institutions working in tobacco control to join the Commission. All participants must be duly approved by the Ministry of Health. Therefore, the regulation excludes the Tobacco Industry from tobacco control policies within the scope of the Ministry of Health. Despite this, we have noticed the interference of the Tobacco Industry and groups related to its interests in the elaboration of public health policies regarding tobacco control.</p> <p>In April 2021, a front group that promotes electronic cigarettes, "Asovape Argentina", published on its social networks a meeting held with the national deputy for the province of Corrientes (tobacco producer) Estela Regidor in the framework of the discussion of a bill for the regulation of electronic cigarettes at the national level (1). A few months later the same group sent a letter to another national legislator for the province of Tucumán (tobacco producer) Gladys Medina interfering again in the same framework of the legislative discussion on tobacco control policy mentioned above (2).</p> <p>In addition, at the beginning of 2022, the President of the Chamber of Kiosks of the city of Rosario, province of Santa Fe, issued statements in a radio program against a possible modification to a provincial law that includes a ban on the display of products related to cigarettes; he also recalls that in the year 2021 representatives of the commercial sector had appeared in the Chamber of Deputies meeting with legislators. This person also mentioned that there was a meeting with Congressman Joaquín Blanco and his team (3).</p> <p>Also in Santa Fe, a public hearing was held to hear opinions on the project to reform the law on tobacco control. Executives of the two main tobacco companies in the country and kiosk owners' associations were invited to participate in the discussion, as well as Asovape Argentina (4).</p> <p>Lastly, in March 2023 the Secretary of Agriculture, Livestock and Fisheries of the Nation held a meeting with tobacco producers at which they urged the official to support the rejection of the ratification of the Framework Convention on Tobacco Control. A project drafted by officials from the Ministry of Health of the Nation for the ratification of the FCTC is currently being discussed but tobacco producers are looking for alliances within the government to avoid its enactment (5).</p>						

³ 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

⁴ The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁵ "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

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2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)					4	
<p>In September 2022, national congressman Héctor Bárbaro, in a public meeting with 14 other national congressmen and tobacco producers from the provinces of northern Argentina, presented a project to modify the Internal Tax Law 24,674 on tobacco products (6). This amendment proposes to include heated tobacco products in excise duties and to increase taxes on “cigarritos”, cigars and roll-your-own tobacco. (7) (8).</p> <p>After these proposals, the national deputy Héctor Bárbaro was accused by sources of his political space in the National Congress of being interfered by Massalin Particulares. These accusations stated that, by taxing products that Massalin Particulares does not sell, the products sold by the company would benefit (9).</p> <p>In addition, after presenting this project, the national deputy participated together with the Argentine Federation of Tobacco Producers in two large mobilizations at the National Congress, at the Federal Administration of Public Revenues, and at the Government House to request that the courts remove the precautionary measures that allow small cigarette companies not to pay the minimum internal tax established by law (10). As a result, the Unión Tabacalera PYMES Argentina made a request to the President of the Chamber of Deputies of the Nation to investigate if the national deputy Héctor Bárbaro seeks to pressure the Federal Administration of Public Revenues and federal judges to benefit certain tobacco companies and harm others (11).</p> <p>Finally, in March 2023, the head of the Tobacco Areas Reconversion Program called for a meeting with tobacco industry companies to discuss a tax reform of the specific tax for the commercialization of tobacco products. At the meeting, a tax project of the National Chamber of Tobacco Companies was discussed. The following companies participated in the meeting: Massalin Particulares, British American Tobacco, Tabacalera Sarandí, Bronway Technology, For Men, Cigarrillos y Tabacos, the Salta company Tabes and representatives of the National Ministry of Economy, the National Secretariat of Domestic Trade, among others (12).</p>						
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				
<p>As stated in question No. 1, the National Coordination Commission for Tobacco Control of the Ministry of Health is not authorized to invite the tobacco industry to take part in its meetings. The Commission works with the Ministry of Foreign Affairs, International Trade and Worship; the Ministry of Education; the Secretariat for Comprehensive Drug Policies; the Ministry of Environment and Sustainable Development; the Secretariat of Agriculture, Livestock and Fisheries; the Ministry of Labor, Employment and Social Security; the Ministry of Economy; the Federal Administration of Public Revenues; the Federal Authority of Audiovisual Communication Services; the Superintendence of Health Services; the Superintendence of Labor Risks; the National Institute of Cancer and the National Administration of Drugs, Food and Medical Devices (13).</p> <p>Within the framework of the National Congress, the different Commissions that deal with bills the plenary hearing may request the presence of and/or invite to meetings those individuals or institutions they consider necessary within the framework of the subject matter to be dealt with. Although there is no established procedure for the invitation, approval of the Administrative Secretariat of each Committee who are administrative (non-elected) employees of the Congress is required. The official web pages of the National Chamber of Deputies and Senate were accessed,</p>						

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especially the Health Commissions (14) (15), on one hand, and the Budget and Finance Commissions (16) (17), on the other hand, and no meetings or hearings with the tobacco industry were detected.						
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) ⁶ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'	0					
Despite having signed the FCTC in 2003, the National Legislative Branch has not ratified the Convention yet. Therefore, as a non-Party, Argentina is not a member of the COP or its subsidiary bodies and did not participate in COP9 2021 (18). For this reason, this item has not been rated (19).						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as "socially responsible" or "sustainable". For example, environmental programs. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions ⁷ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4) <i>NOTE: exclude enforcement activities as this is covered in another question</i>						5
<p>In Argentina, National Tobacco Control Law No. 26.687/11 adopted a broad restriction on the marketing of tobacco products. However, Section 8 of the law expressly establishes that only "brand sponsorship" is prohibited, as any form of contribution to any event, activity, individual, or entity, public or private, with the purpose or for the purpose of promoting the brand of a tobacco product. Within this context, corporate social responsibility actions, as long as they do not include a product brand name (e.g. "Marlboro"), are not covered by the legal restriction (20).</p> <p>In this sense, tobacco industry actions have been monitored and multiple Corporate Social Responsibility (CSR) activities have been discovered. Regarding sustainability, in February 2023, the nation's Secretary of Industry, José de Mendiguren, visited the British American Tobacco factory. The visit came after BAT Argentina received a carbon neutrality certificate. In public statements, De Mendiguren highlighted BAT's investments in renewable energies and sustainable production processes. He also recognized BAT as a company that contributes to the innovation of new products, the generation of jobs, and the sustainable development of regional economies. This can be read as support for the development of new tobacco products. In turn, in this meeting the Director of BAT Argentina, Diego Carbone, highlighted the commitment to advance in the public-private articulation and asked for clear and competitive rules for the tobacco market (21).</p> <p>The main organizations linked to CSR in the industry are Jardines de Cosecha and Asociación Conciencia-Programa Porvenir in association with Massalin Particulares SRL; and Fundación Vamos</p>						

⁶ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

⁷ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

Andar-Programa Brazos Abiertos in the case of BAT Argentina and Alliance One Tobacco (tobacco leaf trader) (22) (23).

Through these organizations, the tobacco industry manages to link with different levels of government: municipal, provincial, and national. The main objective of these organizations is to work on the eradication of child labor, which is still present in tobacco production. At the national level, these organizations coordinate activities with the National Registry of Rural Workers (24) and the National Secretariat for Children, Adolescents and Family of the Nation (25) (26).

On the other hand, in the context of the Covid-19 emergency, an articulation was found between the National Administration of Medicines, Food and Technology (ANMAT) and the pharmaceutical company Medicago, co-founded by Philip Morris International. ANMAT authorized the search for 5000 volunteers in Argentina to test a vaccine against Covid-19 (27).

Finally, an emblematic case of articulation between the government and the tobacco industry was found in the province of Salta. In July 2022, an agreement was signed between the Ministry of Education, Culture, Science and Technology of Salta and the Salta Chamber of Tobacco to allow professional internships for students in their last stage of secondary school (28). These internships are meant to be in farms and areas related to tobacco production. According to the minister and provincial officials, the agreement was reached in the context of a high labor shortage in the Argentine tobacco sector (29).

The agreement signed by Minister Matías Cánepa and Chamber leaders indicated that students could perform the necessary hours of internships to obtain their degree. These hours can take place in the Corporate Social Responsibility sector of tobacco companies; In the Human Resources sector of tobacco companies; in productive farms; and in the Salta Tobacco Chamber itself (30).

INDICATOR 3: Benefits to the Tobacco Industry

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)						4
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In 2017, the national State issued a tax reform of Law 27,430 by which it modified the general rate of internal taxes, decreasing it from 75% to 70%, and established a minimum tax of \$28.00 -updatable quarterly as from 2019- for each 20-unit pack. This tax reduction to the large tobacco multinationals also impacts the collection for the Special Tobacco Fund.

As a consequence, the company "Tabacalera Sarandí S.A" denounced in 2019 alleged maneuvers of a multinational company together with officials of the government of former President Mauricio Macri, to approve such reform, as they would have used outdated and false reports and information. Finally, in 2022, the courts ruled that the law was unconstitutional and established that Tabacalera Sarandí and another national company, "Tabacalera Espert", were exempted from the law (31).

In April of the same year, the Federal Chamber of Salta also ruled in favor of the local tobacco factory "Tabes", granting an injunction to benefit Tabes by exempting it from complying with the tax reform (32).

In December, a precautionary measure was granted again, this time in favor of the Bronway Tobacco Company, which allowed access to the stamps to continue manufacturing cigarettes at low cost, the measure was granted for three months (33).

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7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)

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The Argentine government grants tax benefits to the tobacco production chain in different ways. One of the most relevant and oldest ways is the Special Tobacco Fund (FET), created through National Tobacco Law No. 19.800 in 1972, which, although it is a tax on tobacco products, actually works as a subsidy to production. The FET accounts for approximately 10% of the price of cigarettes (as of December 2022), and, once collected, it is distributed among the tobacco-producing provinces and industries related to tobacco production (including the tobacco industry) (34). At the end of each year, it is settled that the FET money to the tobacco-producing provinces is going to be distributed corresponding to distribution rates, taking into consideration the value of production corresponding to each tobacco-producing province. Such action shall be carried out by a Commission made up of one representative from each province, appointed by the most representative chamber or association of tobacco producers in each jurisdiction

The 7 tobacco provinces, through their producers, defend the Special Tobacco Fund because it provides them with a direct incentive to produce. On the other hand, medium-sized cigarette companies seek to evade the tax on their product, which makes up the Special Tobacco Fund. This type of tax means an increase in the price of cigarettes. The competitiveness of these medium-sized companies lies in the sale of cheaper cigarettes compared to the offer of large companies such as Massalin and British American Tobacco. For this reason, in recent years there has been a legal battle over the cigarette tax by medium-sized companies, which seek to defend their offer of cheap cigarettes.

Since 2017, a tax reform - Law 27430 - establishes the payment of a minimum tax on the commercialization of cigarette packs. Medium-sized companies questioned this reform (35). These companies accused Massalin Particulares (Philip Morris International) of lobbying for this reform to destroy companies competing in the market with cheap cigarette brands. In addition, they denounced that national deputies voted based on the lobby made by Massalin (36).

Since the enactment of Law 27430 in 2017, the companies grouped in the National Chamber of Tobacco Companies share the common strategy of filing judicial appeals to be exempted from the payment of the tax on their tobacco products. Tabacalera Sarandí and Bronway Technology SA have received such tax exemptions (37).

In 2022, Federal Courts ruled in favor of Tabacalera Sarandí and Tabacalera Espert by declaring the unconstitutionality of Law 27430. This ruling allows the companies to continue marketing cheap cigarettes with tax exemption (38).

On the other hand, at the end of 2022, the company Bronway Technology also requested Federal Justice for the unconstitutionality of the minimum tax. First, the injunction was denied, then revoked, and after pressure from the company with the threat of dismissal of its employees, mobilizations, and a strike at the factory, the request was granted again for three months (39) (40). Then a federal judge filed a counter-caution by which the company must pay a deposit considerably lower than the amount due to solving its conflicts with the Administración Federal de Ingresos Públicos (Federal Administration of Public Revenues) (41).

Recently, the judges of the Federal Chamber of Rosario who gave in to pressure and ruled in favor of Bronway Technology S.A. were denounced for violation of the duties of a public official. They are accused of having incurred acts of corruption in favor of the company (42).

INDICATOR 4: Forms of Unnecessary Interaction

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8. Top level government officials (such as President/ Prime Minister or Minister ⁸) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						5

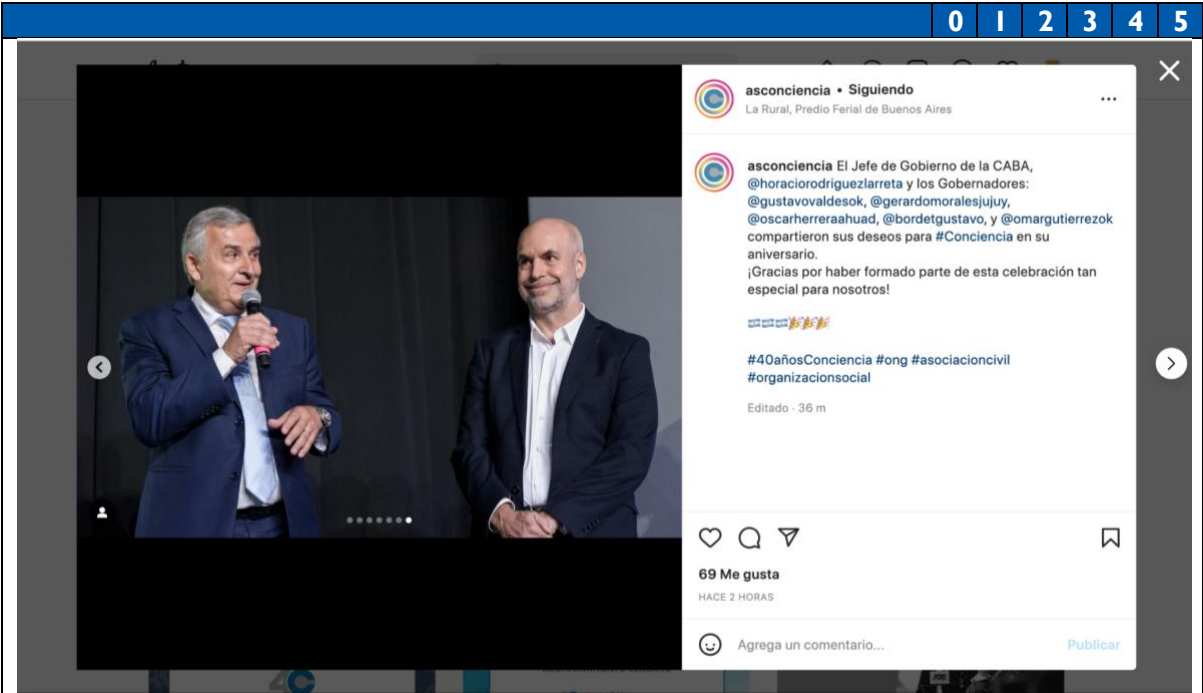
In 2021, we detected the participation of an agency of the Ministry of Labor, Employment and Social Security of the Nation in a meeting of the Inter-American Network for Labor Administration in Panama. The meeting was attended by a representative of the Salta Chamber of Tobacco and the Network of Companies against Child Labor, in which Massalin Particulares (Philip Morris International) actively participates (43). Although the Argentine participation was through the Coordinator of Policies for the Prevention and Eradication of Child Labor and Protection of Adolescent Labor, it is considered a ministerial representation at the international level. Representatives of the OAS, the ILO, and Panamanian officials also participated in the meeting.

On the other hand, in 2022, we identified the participation of high-level government officials in the event of Asociación Conciencia, a non-profit foundation that maintains alliances with Massalin Particulares. The main political figures identified are Gustavo Bordet, governor of Entre Ríos; Gerardo Morales, governor of Jujuy (tobacco producer province); Oscar Herrera Ahuad, governor of Misiones (tobacco producer province); Omar Gutierrez, governor of Neuquén; Gustavo Valdés, governor of Corrientes (tobacco producer province); Juan Manuel Urtubey, governor of Salta (tobacco producer province); Horacio Rodríguez Larreta, head of government of the City of Buenos Aires; Malena Galmarini, president of the public company Agua y Saneamientos Argentinos; and Sergio Massa, former president of the Chamber of Deputies of the Nation and current Minister of Economy of the Nation (44) (45) (46).

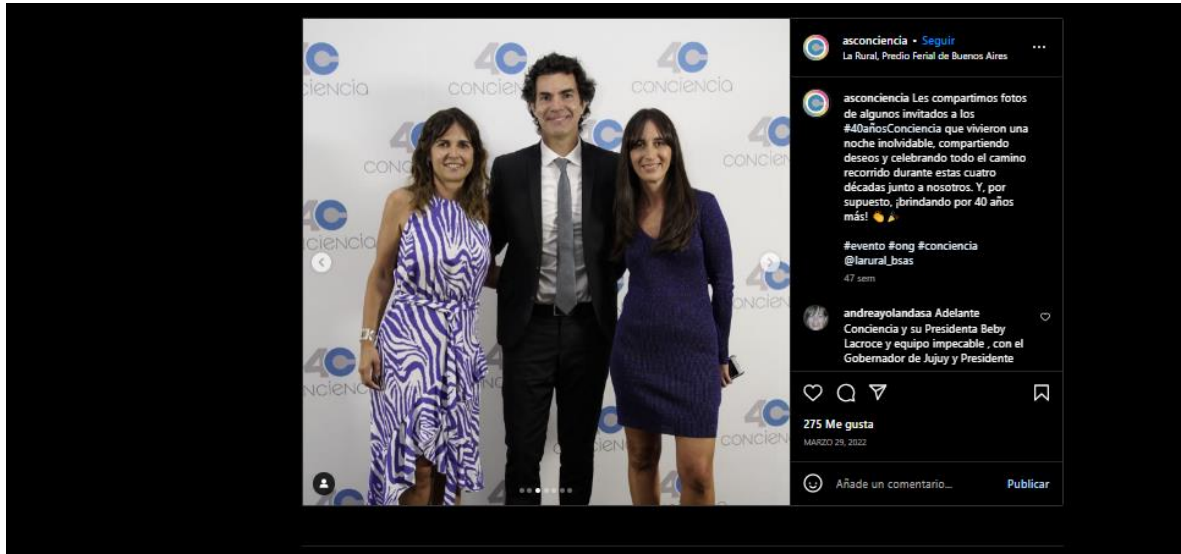


Horacio Rodríguez Larreta, head of government of the City of Buenos Aires, speaking at Asociación Conciencia's event. Behind him, different provincial governors from Argentina.

⁸ Includes immediate members of the families of the high-level officials



Gerardo Morales, governor of Jujuy (tobacco producer province, speaking at Asociación Conciencia’s event. Next to him, Horacio Rodríguez Larreta.



Juan Manuel Urtubey, governor of Salta (tobacco producer province) attending Asociación Conciencia’s event.



Sergio Massa, former president of the Chamber of Deputies of the Nation and current Minister of Economy of the Nation, and Malena Garmarini, president of the public company Agua y Saneamientos Argentinos, attending Asociación Conciencia's event.



Gerardo Morales attending Asociación Conciencia's event.

Instagram



Gustavo Bordet, governor of Entre Ríos speaking at Asociación Conciencia's event.

During the event, Massalin Particulares was recognized as one of the main financiers of Asociación Conciencia.

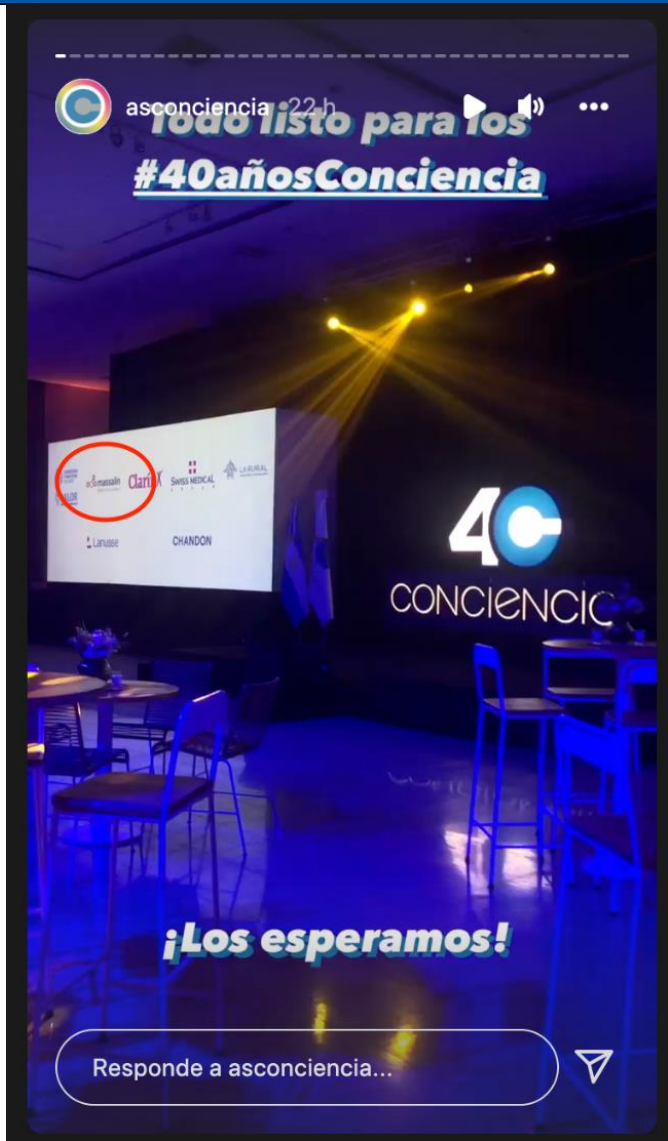


Photo of the Asociación Conciencia event. On the screen, marked in red, is the logo of Massalin Particulares, one of Asociacion Conciencia's funders.

<p>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)</p>				3		
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From the systematic monitoring of the tobacco industry, links were found between control agencies and the front group Asociación Civil Antipiratería Argentina. This link lies in the contribution of this front group in detecting tobacco product trafficking. Massalin Particulares and British American Tobacco appear as financiers of this front group (47). In addition, the Vice President of the Association, Nicolás Sarapura, is the Manager of Illicit Trade Prevention in Southern Cone at Philip Morris International (48) (49).

In 2022, the Asociación Civil Antipiratería Argentina together with the Argentine Confederation of Medium-Sized Companies (CAME), the Chamber of the Tobacco Industry, and the Commission against Illegal Products launched a federal map to report tobacco product trafficking smuggling (50).

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On this map, citizens can report incidents of tobacco product trafficking, which will then be reported to prosecutors and national and provincial security forces (51) (52).

In addition, in June 2022, we detected the participation of the Asociación Civil Antipiratería Argentina in a training session for provincial security forces on the trafficking of tobacco products in the province of Corrientes (tobacco producer province). Members of the judiciary, the national gendarmerie, and the Argentinian naval prefecture also participated. The training was given in coordination with CAME (53).

10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (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.

4

By monitoring the tobacco industry's interference in the activities of different levels of government, we have not only identified links in relation to tobacco control policies but also in different issues of the political agenda, such as working conditions, gender, and environment, among others.

As mentioned previously, in April 2021 a meeting was held by the Coordination of Policies for the Prevention and Eradication of Child Labor and Protection of Adolescent Labor (Ministry of Labor, Employment and Social Security of the Nation) with the participation of companies such as Alliance One Tobacco Argentina S.A., British American Tobacco, and Massalin Particulares. At the meeting, an action plan was presented with the aim of establishing an articulation between the public and private sectors, to implement policies and practices that ensure production chains free of child labor (54).

On the other hand, the tobacco industry has shown an interest in improving its image through "greenwashing" and "gender washing". These strategies allow the Industry to establish relationships with different levels of government. In August of the same year, in the framework of the analysis of a draft law on soil conservation, a meeting was held with the participation of government authorities, different social actors, and the tobacco industry (55). Also, in the province of La Rioja, the foundation "Vamos a andar", financed by the tobacco industry, organized an awareness-raising event on breastfeeding, in which the national deputy Hilda Aguirre, from the political party Frente de Todos (FDT), participated (56).

Along the same line, BAT Argentina participated in the delivery of equipment and materials for the program "Mujeres al frente" (Women at the Forefront) together with the city of Pilar's mayor Federico Achával. The action was carried out within the framework of a donation and volunteering program that the company carries out in different communities (57).

Finally, in the Province of Salta we detected an articulation between the Ministry of Education, Culture, Science and Technology and the Industry. In this case, the Tobacco Industry was invited to participate in government policy development. Within this framework, the Minister of Education, Culture, Science, and Technology, Matías Cánepa, signed agreements with Minera Mansfield and Alliance One companies and the Provincial University of Public Administration (UPAP) to deliver professional training courses (58). Also in March 2022, the Ministry of Public Health of the same province carried out a comprehensive health control for 890 children belonging to families linked to tobacco production, within the framework of the collaboration agreement signed between the provincial health portfolio, the Salta Tobacco Chamber, and the Salta Delegation of the National Registry of Rural Workers and Employers (RENATRE) (59).

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INDICATOR 5: Transparency						
<ul style="list-style-type: none"> 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) 				3		
<p>In Argentina, at the national level, there is a system of public hearing consultations that guarantees the publicity of meetings with high-level government officials. As the same regulation does not exist for the provinces we have detected an unofficial interaction by monitoring different media outlets.</p> <p>In August 2021, following the announcement by BAT of a productive investment of USD 7 million, a meeting was held between representatives of BAT and officials of the Ministry of Production of Salta (tobacco producer province). On that occasion, BAT's general manager, Juan Pablo Pardo, explained the objectives of the investment to the Minister of Production and Sustainable Development, Martín de los Ríos, who belongs to the political party "Propuesta Republicana" (PRO). The economic affairs manager, Félix Piacentini, highlighted the important role of the province of Salta in the value chain (60).</p>						
<ul style="list-style-type: none"> 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
<p>In Argentina, there are no binding rules or regulations for the disclosure and/or registration of related entities, affiliated organizations and/or persons acting on their behalf, including those lobbying for the tobacco industry.</p>						
INDICATOR 6: Conflict of Interest						
<ul style="list-style-type: none"> 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) <i>1 Never 5 Yes</i> 						5
<p>The Political Parties Financing Law No. 26,215 (as amended) does not include the prohibition of monetary contributions from the Tobacco Industry for the campaigns of pre-candidates and candidates for positions in the Legislative and Executive Branches (61).</p>						
<ul style="list-style-type: none"> Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4) 		1				
<p>After having systematically monitored the Tobacco Industry and its possible links with different levels of government, we can affirm that there is no evidence to support that retired senior public officials currently play a relevant role in the industry.</p>						
<ul style="list-style-type: none"> <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10) 		1				
<p>After having systematically monitored the tobacco industry and its possible links with different levels of government, we can affirm that there is no evidence to support that government officials and/or their relatives hold positions in the industry.</p>						
INDICATOR 7: Preventive Measures						

	0	1	2	3	4	5
<ul style="list-style-type: none"> 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) 					4	
<p>Any organization and/or person taking part in a National Commission called for within the scope of the National Ministry of Health must sign and submit to the authority of the convening body a Conflict of Interest Statement. The Resolution defines as a conflict of interest the labor, financial, and/or economic relationship that the signatory has had and/or has with companies whose main activity, whether actual and/or perceived, is the manufacture and/or commercialization of tobacco products. Affidavits must be made public on the Ministry of Health's website (62). Such obligation applies only to the Ministry of Health, and not to other governmental entities. Also, the National Tobacco Control Law only establishes that the Industry cannot participate in the Tobacco Control Commission, within the scope of the Ministry of National Health.</p>						
<ul style="list-style-type: none"> 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); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i> 						5
<p>There are no codes of conduct for public officials that establish the standards they must comply with in their relations with the tobacco industry.</p>						
<ul style="list-style-type: none"> 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) 			2			
<p>The information requested from the tobacco industry by the State is as follows:</p> <p>Advertising: Decree No. 602/13, which governs the National Tobacco Control Law, sets forth in its Section 6, subsection C, the annual obligation of manufacturers and importers of tobacco products to submit to the Ministry of National Health a report stating and detailing all advertising or promotion actions undertaken in the previous fiscal year (63). In 2022, British American Tobacco (BAT) Argentina, Massalin Particulares S.R.L., Tabes S.A., and Tabacalera Sarandí S.R.L. complied with the MoH's information request. However, other tobacco companies, despite repeated complaints, have not provided the information. To date, no sanctions have been imposed on the tobacco companies that have not complied with their reporting obligations and no additional information has been requested in addition to the brief responses from the companies previously mentioned (64).</p> <p>Ingredients: Section 15 of Law No. 26.687 sets forth the limits of components (tar, nicotine, and carbon monoxide) in cigarettes and cigars. The regulation of the section through Decree 602/13 sets forth that, on an annual basis, manufacturers and importers of these products must submit the results of the measurements for each type of product, brand, and quality to the National Ministry of Health.</p> <p>Production and Sales: Section 7 of Decree 3478/75 made it mandatory for the tobacco industry to submit to the Tobacco Department of the Secretariat of Agriculture, Livestock and Fisheries, within the first quarter of each year and as a sworn statement, the tobacco movements recorded during the previous year (65). Likewise, a sworn statement of the sales for the previous month must be</p>						

	0	1	2	3	4	5
submitted monthly, with the following detail: (a) Receipts (previous stock in factory and warehouse, returns and processing in the month) and outputs (sale of returns, export, and rancho, sales from the duty-free zone, internal factory consumption, donations to public welfare institutions and unused and lost tax values; and subject to taxation; that is, overall sales for the month and stock for the following month in factory and warehouse) ; (b) Number of cigarette packs sold, with price breakdown for each brand and its denomination of blond and black cigarettes.						
The production and sales information is updated as of December 2022 and is publicly available through the official website of the Secretariat of Agriculture, Livestock and Fisheries of the National Ministry of Economy (66).						
<ul style="list-style-type: none"> The government has a program / system/ plan to consistently⁹ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2) 						5
Argentina has no programs, plans, or systems to raise awareness of the guidelines of Art. 5.3 of the FCTC, nor has it ratified the Convention						
<ul style="list-style-type: none"> 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
As mentioned in Question 1, the National Tobacco Control Law only establishes that the Industry cannot participate in the Tobacco Control Commission, within the scope of the Ministry of National Health. Subsequently, no policy has been established prohibiting the acceptance of all types of contributions/gifts from the tobacco industry to officials.						
The Anticorruption Office has a National Registry of Gifts and Presents, where all gifts given to public officials by private individuals can be seen. By monitoring this registry, a gift from Massalin Particulares SRL given to Marco Juan Lavagna, Director of the National Institute of Statistics and Censuses in December 2021, has been found (67).						
TOTAL SCORE						70

⁹ 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.

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1. Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE*	BRANDS	SOURCE
1	Massalin Particulares S.A (Philip Morris International)	Information unavailable	Marlboro; Philip Morris; Chesterfield; Benson & Hedges; Virginia; Next Box	https://www.pmi.com/markets/argentina/es
2	British American Tobacco Argentina	Information unavailable	Lucky Strike; Camel; Rothmans; Pall Mall; Dunhill Fin	http://www.batargentina.com/
3	Tabacalera Sarandí S.A	Information unavailable	Red Point; West; Master; Nevada;	https://www.tabacalerasarandi.com.ar/
4	Espert S.A	Information unavailable	Melbourne; Milenio; Viceroy;	https://espertsa.com.ar/
5	Bronway Technology S.A	Information unavailable	Pier; Dorchester; Pier & Roll	http://www.bronwaytabaco.com.ar/

*Sales information by companies is protected by confidentiality clauses. The Government Agency of Public Revenue does not report such information, nor does it report it in response to requests for access to public information. The only information available is segmented by the categories "large companies" and "medium and small companies".

	TOP MEDIA/ NEWSPAPERS	URL
1	Infobae	https://www.infobae.com/
2	La Nación	www.lanacion.com.ar
3	Clarín	www.clarin.com
4	Página 12	https://www.pagina12.com.ar/
5	El Cronista	https://www.cronista.com/
6	Ámbito Financiero	https://www.ambito.com/
7	Perfil	https://www.perfil.com/
8	El Destape Web	https://www.eldestapeweb.com/
9	Tabaco Argentino	https://tabacoargentino.com.ar/
10	Iprofesional	https://www.iprofesional.com/

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Unión de Kiosqueros de la República Argentina	Front Group	http://ukraweb.org.ar/
2	Chambers and associations of tobacco producers in the tobacco-producing provinces: Salta, Jujuy, Misiones, Corrientes, Catamarca, Tucumán and Chaco.	Front Groups	Salta https://www.ctsalta.com.ar/ Jujuy https://www.facebook.com/pages/category/Tobacco-Company/C%C3%A1mara-del-Tabaco-de-Jujuy-1969848569920906/ Misiones http://aptm.org.ar/ Corrientes http://www.cooptabacaleractes.com.ar/index/index.php
3	Argentine Anti-Piracy Association and Argentine Confederation of Medium-Sized Companies (Confederación Argentina de la Mediana Empresa)	Front Group	http://www.antipirateria.org.ar/ and https://www.redcame.org.ar/

4	Asovape Argentina	Front Group	https://www.asovapeargentina.org/
5	Dr. Joaquin Verrastro - Reldat	Individual	https://twitter.com/docverrastros?lang=en