
**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

Acronyms and Abbreviations

ACBF: African Capacity Building Foundation
ANSD: National Agency for Statistics and Demography
ATCA: African Tobacco Control Alliance
CAP: Knowledge Practical Attitudes
FCTC: WHO Framework Convention on Tobacco Control
ECOWAS: Economic Community of West African States
CEPOD: Centre for Policy Studies for Development
EESC: Economic, Social and Environmental Council
CNLT: National Committee for Tobacco Control
CRLT: Regional Tobacco Control Committee
CDLT: Departmental Committee for the Fight against Tobacco
CGI: General Tax Code
COP: Conference of the Parties
COVID19: Coronavirus diseases 2019
CTFK: Campaign for Tobacco Free Kids
CRES: Consortium for Economic and Social Research
DGID: Directorate General of Taxes and Estates
UNFPA: United Nations Population Fund
GYTS: Global Youth Tobacco Prevalence Survey Survey
LAT: Anti-Smoking Act
LISTAB: Senegalese League Against Tobacco
MEN: Ministry of National Education
MAERSA: Ministry of Agriculture, Rural Equipment and Food Sovereignty
MCCPME: Ministry of Commerce, Consumer Affairs, and Small and Medium Enterprises
MDIPMI: Ministry of Industrial Development and Small and Medium Industries
MJEE: Ministry of Youth, Entrepreneurship and Employment
MI: Ministry of the Interior
MSPPC: Ministry in charge of Community Security and Civil Protection (attached to the MI)
MEPC: Ministry of Economy, Planning and Cooperation
MEDDTE: Ministry of the Environment, Sustainable Development and Ecological Transition
MFB: Ministry of Finance and Budget
MTL: Ministry of Tourism and Recreation
NCDs: Noncommunicable diseases
MSAS: Ministry of Health and Social Action

MTOA: West African Tobacco Factory
SDGs: Sustainable Development Goals
WHO: World Health Organization
NGO: Non-governmental organization
OCB: Basic Community Organization
CSO: Civil Society Organization
PM: Prime Minister
PMI: Phillip Morris International
PNLT: National Tobacco Control Program
PNDSS: National Health and Social Development Plan
UNDP: United Nations Development Programme
PSE: Plan Senegal Ego
NEPT: New and Emerging Tobacco Products
Rec.: Recommendation
REJOINT: Network of Journalists Observers of the Nicotine and Tobacco Industry
CSR: Corporate Social Responsibility
SEATCA: Southeast Asia Tobacco Control Alliance
TIM: Tobacco Industry Monitoring
VAT: Value Added Tax
WAEMU: West African Economic and Monetary Union
USAID: U.S. Agency for International Development
USD: US Dollar

I. General

I.1. Date of Finalization

For Senegal, which has already had to participate twice in 2021 and 2022, the period to be covered will concern January 2020-March 2023.

The investigations ran from March to April and the report was written in April 2023.

I.2. Authors

This report updated in March 2023 is written by Mr. Malick SALLA member of the tobacco control monitoring team in Senegal supported by Mr. Djibril Wélé Executive Secretary of LISTAB with the participation of all other members of the TIM team and the technical assistance of Dr Mary Asunta, Head of Global Research and Advocacy at Global Center for Good Governance in Tobacco Control (GGTC) and Léonce SESSOU Executive Secretary of the Alliance for Tobacco Control in Africa (ATCA).

2. Acknowledgements

Senegal has just prepared its report on the tobacco industry interference index for the year 2023. This work required a lot of research through some online newspapers, websites as well as the holding of meetings to share, consult and validate the information collected through the documentary review.

At the end of the work culminating in the production of this valuable document, I would therefore like to express my sincere thanks to all the members of the monitoring team who are constantly fighting against tobacco use in all its forms.

I would like to add to these thanks:

- The Coordinator of the Executive Secretary of the Alliance for Tobacco Control in Africa (ACTA) who not only provided us with the tools and methodology for collecting information but also ensured the financing of the operation;
- Léonce SESSOU Executive Secretary of the Alliance for Tobacco Control in Africa (ACTA) for his continuous support in this fight;
- The Global Center for Good Governance in Tobacco Control for their technical support;
- Bloomberg Philanthropies for funding this report;
- All individuals who, directly or indirectly, supported the Senegal TIM team in this exercise.

The challenge of the Senegal TIM team was to make available, within a reasonable timeframe, data on monitoring tobacco industry interference in accordance with Article 5.3 of the FCTC. The dedication of each other has allowed us to achieve this goal; I thank them all.

Mr Djibril WELE
Executive Secretary of LISTAB
The Dakar

3. Methodology

The report is based on 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. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average. The report includes information on incidents from April 2022 to March 2023, but also includes prior incidents that are still relevant today.

3.1. Methodological approach

The analysis of the tobacco industry interference index 2023, provides an overview of the progress made in the implementation of the guidelines of Article 5.3 of the FCTC transposed by Article I of the Senegalese Anti-Tobacco Law as well as the limits in the action against the influence of the tobacco industry. But it should be noted that despite all efforts, the tobacco industry remains and is active in Senegal with a strong influence on our policies.

This assessment will determine the capacity of government to deal with tobacco industry interference in accordance with Article 5.3 of the WHO FCTC and its Guidelines.¹

The results will be used to prepare a report on how government comply with Article 5.3 of the FCTC based on specific recommendations of the guidelines. Comparing the results with those of other countries in the region could encourage the Government to improve its performance.

The questionnaire used attempts to quantify the intensity, frequency or severity of a given interference incident by providing illustrations to assess specific situations.

In addition, the consultant followed the specific and uniform research methodology recommended to ensure comparability of results². The selected indicators are drawn directly from the guidelines of Article 5.3, but are adapted to take into account the most common and likely situations through specific recommendations.

The consultant has made the necessary effort to ensure that the responses to the indicators are based as much as possible on public or accessible information and that their intensity, frequency or severity can be quantified so that the scores are comparable with the results of other countries.

Limitations of the methodology have emerged in that the different levels of access to institutional or public data as well as the degree of independence of the media have been major obstacles.

3.2. Literature Review

To carry out this work, the consultant used, among others, the following documents:

- 1) Tobacco Industry Interference Index Report in Senegal-2022;
- 2) The TIMR Africa Tobacco Monitoring Teams report;
- 3) Strategic Plan of the National Tobacco Control Program (PNLT 2019-2023);
- 4) WHO Framework Convention on Tobacco Control (FCTC) -2003;
- 5) WHO Guidelines for the Implementation of Article 5.3 of FCTC-2008;
- 6) Joint WAEMU-WHO report on tobacco taxation-January 2015;
- 7) Study on the situational analysis of the illicit tobacco trade in Senegal-CEPOD-2017;

¹ The WHO FCTC Article 5.3 guidelines:

http://apps.who.int/iris/bitstream/10665/80510/1/9789241505185_eng.pdf?ua=1

² Search process for Questions 8, 14 and 15 are dealt with separately under the **Appendix D** as it requires leads or keywords derived from the scope of its information sector or information from informal sources.

- 8) Launch of the Senegal Niayes Project by Lead Afrique Francophone and Philip Morris International-27 February 2014;
- 9) "Smoking in figures in Senegal" published by Financial Afrik-23 May 2016;
- 10) "African journalists engage in debate on the future of the tobacco industry" published in All Africa Global Media-29 May 2017;
- 11) "Establishment of a permanent and inclusive dialogue of all actors in the tobacco industry" published by the Network of Journalists Observers of the Nicotine and Tobacco Industry (REJOINT) in Kéwoulo-31 May 2017;
- 12) "Tax solutions for optimal tobacco reduction in West Africa" Consortium for Economic and Social Research (CRES-13 May 2019);
- 13) "LISTAB denounces the indifference of the tobacco industry to curb the application of the anti-smoking law" published in Enquête Plus-26 November 2021;
- 14) "New tobacco products: evolution and consequences" - Luciana Ruggia-ISPM-Bulletin of Swiss Doctors-2021-Bern-Switzerland;
- 15) Report of the CAP Survey on New and Emerging Tobacco Products-NALP-2023.

3.3. Preliminary research

For the study, preliminary research on the country's tobacco control priorities, government agencies and other organizations responsible for these priorities, as well as key sources of information, was used to inform the indicators. The identification of tobacco companies has also been done.

Senegal's tobacco control priorities are:

- Ensure the application of laws and regulations relating to tobacco control;
- Ensure information, awareness and communication on tobacco control;
- Introduce a parafiscal tax to finance health;
- Ban flavourings and additives that are particularly attractive to young people;
- Develop public-private partnership on tobacco control;
- Ensure an update of the tobacco control law and extend the scope to new and emerging tobacco products in accordance with Article 8 of the FCTC to address the induced effects;
- Prevent the use of health claims to promote these new products;
- Enforce measures prohibiting advertising, promotion and sponsorship of these new tobacco products;
- Protect tobacco control policies and activities from commercial interests related to these novel tobacco products in accordance with Article 5.3 of the FCTC;
- Establish a monitoring system for the tobacco industry.

The government agencies and organizations responsible for implementing these priorities are:

- the Ministry of Health and Social Action through the PNLT;
- the Ministry of Finance and Budget through the CEPOD, the Customs Directorate (Customs Intelligence Office, Customs Regulation Office, Nomenclature and Taxation Office, Fraud Control Office, Investigations and Fight against Illicit Traffic) and the Directorate General of Taxes and Estates (Legislation Office, Tax Services Office);
- the Ministry of Commerce through the Legislation and Regulation Division, the Distribution and Statistics Bureau, the Consumer Affairs and Consumer Safety Division and the Laboratory;
- the Ministry of Education through the School Medical Control Division (DCMS);
- the National Assembly through the Law Commission and the Population Health, Solidarity and Social Affairs Commission;
- the National Committee, the Regional and Departmental Tobacco Control Committees;
- the other ministerial departments involved (Interior, Environment, Tourism etc.)

- the Economic, Social and Environmental Council (EESC);
- the High Council of Local Authorities (HCCT);
- local authorities;
- the Consortium for Economic and Social Research (CRES);
- the Senegalese League against Tobacco (LISTAB);
- the Association of Health Journalists;
- professional health organizations (order of doctors, pharmacists, national associations of state nurses and state midwives);
- opinion leaders and religious leaders;
- NGOs, CSOs and CSAs;
- the National Council of Employers;
- TFPs (WHO, ATCA, ACBF, CTFK, ACT, UNICEF, UNDP, UNFPA, WB, USAID).

It is gratifying to note that tobacco control in Senegal has strengths (existence of political will, a legal and regulatory framework in line with the WHO FCTC and a committed civil society) as well as several opportunities (con policy text favorable to tobacco control, existence of networks of community actors such as health journalists, opinion leaders, existence of funding at the global level through the Bill and Melinda GATES Foundation, involvement of the Consortium for Economic and Social Research (CRES) in tobacco control). Only, weaknesses (weak capacities of the actors of the PNLT and the CNLT, lack of code of conduct governing the relations between the State and the tobacco industry) as well as threats (interference of the tobacco industry in the formulation of public health policies, use of CSR by the tobacco industry to give itself a good image, smuggling and illicit trade in tobacco products) could undo all efforts.

Currently, there is only one tobacco company manufacturing cigarettes in Senegal, Philip Morris International (PMMSN) which controls 53% of cigarette market share. Manufacture de Tabacs de l'Ouest Africain (MTOA), the local subsidiary of Imperial Tobacco³ which previously had a monopoly situation, now has 47% of the cigarette market selling brands such as Excellence, Houston, Davidoff. Indeed, the MTOA company has stopped its production activities due to the strong pressure of the anti-smoking law; but it still continues to import tobacco, especially luxury tobacco, into Senegal. Meanwhile, PMMSN's business has grown.

The production plant is located in Pikine and the administrative headquarters in Yoff.

At the same time, there are representatives of these companies who are mainly involved in distribution, allied groups and front groups.

The sources of information available are the websites of government agencies, online newspapers and the websites of the tobacco industry, its allies and front groups.

The existing centralized databases are:

- Senegal: Effective situation of the protection of personal rights-Interaktive-28 May 2022⁴;
- The implementation of the rights to health, water and sanitation in Senegal-SIDH_Human Dignity_POSCEAS⁵;
- Strategic Plan of the Health Information System of Senegal-SNIS-2012/2016⁶.

³<https://www.imperialbrandsplc.com/etc.clientlibs/imperialbrands/corporate/components/content/oar/clientlibs/resources/pdfs/imperial-brands-2022-annual-report.pdf>

⁴ <https://www.gouv.sn>

⁵ <https://www.pseau.org>

⁶ <https://www.gouv.sn>

Subsequently, it was a question of documenting two current problems that have led to interference by the tobacco industry.

- 1) Evidence to be sought on the pressure exerted by the tobacco industry on the Government of Senegal for the authorization of the marketing of new tobacco products; reducing taxes on these new tobacco products.
- 2) Regarding the protection of the environment, it seems that the tobacco industry would like to position itself as a partner to contribute to the treatment of plastic waste in Dakar through CSR.

4. Background and Introduction

This survey on the Tobacco Industry Interference Index in Senegal is part of the initiative to establish a global Tobacco Industry Interference Index. It is a global investigation into how public health policies are protected and the tobacco industry's efforts to influence them, in order to safeguard its industrial and commercial interests. Senegal's report is the third edition. This survey made it possible to take stock of the progress and delays recorded in the implementation of the provisions of the WHO FCTC in Senegal.

4.1. Presentation of Senegal

Senegal is a country located in the Sudano-Sahelian zone in the extreme west of the African continent. In 2022, Senegal's population is about 17,738,795 inhabitants, with half of the population under 18 years of age.⁷



Source : <https://wikipedia.org>

4.2. Tobacco control in Senegal

According to the WHO, about 1.1 billion people smoke, or more than one in seven (1/7) of the world's population. Almost 80% of them live in low-income countries. Tobacco is the leading preventable cause of death worldwide and more than eight million people die from it every year. Despite awareness on the dangers of tobacco use, this scourge continues to spread around the

⁷ RGPFAE Report 2013 ANSD

world with the problem shifting from rich to poor countries from aggressive marketing by the tobacco industry.⁸

To help reduce the consumption of this product, the WHO has implemented the FCTC which has been ratified by one hundred and eighty-one (181) States.

Senegal is committed to implement the WHO FCTC with the adoption of various legislative and regulatory measures including:

- the reaffirmation of the right to health of the population guaranteed by Articles 8 and 17 of the Constitution of Senegal⁹ ;
- ratification of the WHO FCTC adopted in Geneva on 21 May 2003 and entered into force on 27 April 2005;
- the adoption of the Anti-Tobacco Law No. 12-2014 of 28 March 2014 on the manufacture, packaging, labelling, sale and use of tobacco¹⁰ ;
- the signing of Ministerial Order No. 03274 of 16 March 2015 establishing and setting the rules for the organization and functioning of the National Committee for the Control of Tobacco (CNLT); this was followed by the installation of Regional and Departmental Tobacco Control Committees between 2017 and 2018¹¹
- the signing of Ministerial Order No. 15347 of 28 July 2015 establishing and setting the rules for the organization and operation of the National Tobacco Control Program (PNLT)¹²
- the signing of Decree No. 2016-1008 of 26 July 2016 implementing Law No. 12-2014 of 28 March 2014¹³
- the signing of Ministerial Order No. 18415 of 8 December 2016 on health warnings¹⁴;
- the signing of Ministerial Order No. 18416 of 8 December 2016 on the signage of the smoking ban in public places¹⁵.

The culmination of tobacco control in Senegal was the adoption of **Law No. 12-2014 of 28 March 2014**, which is seen as one of the most stringent tobacco control laws in the sub-region as it incorporates Article 5.3. of the WHO FCTC as follows: **"The State formally prohibits any interference by the tobacco industry in national health policies"**.

In Senegal, the *fight against tobacco is essentially faced with the interference of the tobacco industry, the coordination of the activities of the various actors, the problem of monitoring its handling and illicit trade*. Tobacco industry interference is a reality in Senegal and takes various forms ranging from industry interference in the development of public health policies to the misuse of Corporate Social Responsibility (CSR) activities. The rhetoric of industrialists may have been dismantled point by point by numerous scientific studies, but it continues to prevail. Industry arguments are ingrained in the minds of decision-makers (job losses, risk of fraud and smuggling due to tax increases).

⁸ Ranking of countries by smoking rate : published in a Wikipedia article titled "Cigarette Use Globaly » by The Tobacco Atlas in November 2016. It appears from reading the article that the smoking rate is 39.1% in Russia, 27.6% in France, **22.9% in Morocco**, 17.2% in the United States and 11.4% in India.

⁹ <http://www.au-senegal.com/IMG/pdf/Constitution-senegal-2008.pdf>

¹⁰ http://idees-senegal.org/fr/Loi_relative_consommation.pdf

¹¹ <http://www.tobaccocontrolaws.org/files/live/Senegal/Senegal%20-%20Order%20No.%203274%20-%20national.pdf>

¹² <http://www.tobaccocontrolaws.org/files/live/Senegal/Senegal%20-%20Order%20No.%2015347%20%28PNLT%29%20-%20national.pdf>

¹³ <http://www.jo.gouv.sn/spip.php?article10936>

¹⁴ <https://www.otaf.info>; <https://www.sante.gouv.sn>

¹⁵ <https://www.otaf.info> ; <https://www.sante.gouv.sn>

The advent of the WHO FCTC in 2003 was a turning point in the fight against the globalized tobacco epidemic. Faced with increasingly effective tobacco prevention measures in many countries and the consequent decline in consumption, the tobacco industry, fearing a decline in its turnover, launched several alternatives to regular cigarettes in 2008-2009, thus disrupting tobacco and nicotine consumption habits.¹⁶

The PNLT CAP survey found that a variety of new and emerging tobacco products are available on the market in several forms: (i) e-cigarettes with or without nicotine, (ii) heated tobacco products, and (iii) nicotine pouch.¹⁷

Information about these new tobacco products are little known to the tobacco control community, policy makers and the public. The market for these products is evolving rapidly in a context where there are no manufacturing standards. Allowing such products to be marketed without regulation could reverse the gains and efforts to implement tobacco control strategies. It is for these reasons that the WHO specifies that **"it does not recommend these products to quit smoking"**.¹⁸

The main distributors of these products are based in Dakar and Mbour (Thiès region). They market their products mainly online and sometimes face-to-face. These include: Electronic cigarette shop, Kyfeel E-cigarette electronic store, Africa smoking Dakar, Hello vape, Electronic cigarette, Smoking vape store Dakar, Dakar vapes, Electronic cigarette e-lique, Afroking Vap, Electronic cigarette shop and Puff, Yosslasaveur, Le vapoteur Dakarois (DKRVAPE), Boutique Darou Ndiaye, Chicha électronique, E-vap, El Fumador, Le Parasol, Cigarette électronique, Africa Smoking, e_Cigarette electronic. In Mbour the shops Chez Yacine, E-vap, El Fumador were observed.

¹⁶ New tobacco products: evolution and consequences"- Luciana Ruggia-ISPM-Bulletin des médecins swiss-2021-Bern-Switzerland

¹⁷ CAP Survey on New and Emerging Tobacco Products-PNLT_OMS-2023

¹⁸ Decision FCTC/COP8(22) New and emerging tobacco products

[https://fctc.who.int/fr/publications/m/item/fctc-cop8\(22\)-novel-and-emerging-tobacco-products](https://fctc.who.int/fr/publications/m/item/fctc-cop8(22)-novel-and-emerging-tobacco-products)

5. Summary Findings

The questionnaire includes twenty (20) indicators grouped into seven (07) major groups.

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

According to Article I of Law No. 12/2014 of 28 March 2014 on the manufacture, packaging, labelling, sale and use of tobacco (transposition of Article 5.3 of the FCTC), "the ¹⁹**State formally prohibits any interference by the tobacco industry in national health policies**".

The results of the survey indicate that no offer of assistance or support from the tobacco industry in the definition or implementation of public health policy, particularly in the fight against smoking, has been recorded.

2 INDUSTRY CSR ACTIVITIES

Since 2009, governments have not been publicly involved in the activities of the tobacco industry. Only, to fight the COVID 19 epidemic, the government received a donation of one billion CFA francs (\$1.6 million) from Mauritanian billionaire Mohamed Ould Bouamatou who made his fortune selling cigarettes.

3 BENEFITS TO THE INDUSTRY

An Investment Code has been drawn up to attract foreign investors. The tobacco industry, as a company, has benefited from the same conditions of favors related to the establishment of a company, to establish itself in Senegal. Therefore, the tobacco industry benefits from an exemption from specific taxes on tobacco imports.

As part of the implementation of health warnings, the tobacco industry had requested and obtained a period of six (6) months to make the necessary changes in its tools with the production of new cigarette packs bearing health warnings on 70% of the main sides and messages on the side since August 26, 2017 and renewed every year.

4 UNNECESSARY INTERACTION

During a mission to the south with Customs officers in 2020, the head of department claimed to have received in the past a \$5 million grant from the tobacco industry to combat cigarette smuggling across borders.

Apart from this act, there is no evidence of unnecessary interactions between the tobacco industry and public authorities.

5 TRANSPARENCY

According to the LISTAB article in "Enquête Plus" states that public authorities do not publicly disclose information about meetings/interactions with the tobacco industry, in cases where such interactions are strictly necessary.

Today, there is very little information on the existence of a regulatory text requiring the tobacco industry to provide periodic information on its activities.

Senegal does not have a code of conduct for public officials vis-à-vis the tobacco industry.

6 CONFLICT OF INTEREST

There is a natural conflict of interest between the State of Senegal, which guarantees the health of the population, and the tobacco industry, which sells a product that harms public health. The tobacco industry manages to delay the adoption of regulations that are not favourable to it.

7 PREVENTIVE MEASURES

¹⁹ Law No. 12/2014 of 28 March 2014, <https://bit.ly/2UFNEf>

Currently, there is no procedure for disclosing documents relating to interactions with the tobacco industry in Senegal. The Government has not yet developed, adopted and implemented a code of conduct for public officials. We do not yet have any information on the existence of a regulatory text requiring the tobacco industry to provide periodic information on its activities.

However, some media, front groups and allies of the tobacco industry have nevertheless provided fragmented information.

6. Recommendations

With a view to accelerating the implementation of the WHO FCTC in Senegal and the monitoring of the tobacco industry on an ongoing basis, the following recommendations are made:

- 1) Legislate to make access to information mandatory for all citizens, without any form of restriction in accordance with the WHO FCTC;
- 2) Sensitize the sectoral Ministries of Government (Ministries of Economy and Finance, Trade and Industry) to update their websites to facilitate access to information and ensure informational transparency;
- 3) Develop a code of conduct for state officials involved in the tobacco industry;
- 4) Continue to advocate with authorities and community actors on the tobacco industry's interference and tactics to undermine tobacco control policies;
- 5) Produce periodic reports on the monitoring of the tobacco industry and share them with authorities and populations;
- 6) Organize working sessions with the PNLT, the CRES, specialized laboratories and pulmonologists to collect all the scientific information necessary for their understanding of these new tobacco products;²⁰
- 7) Avoid a first use of these new tobacco products;
- 8) Regulate the composition and information on these new tobacco products in accordance with Articles 9 and 10 of the FCTC;
- 9) Protect tobacco control policies and activities from commercial interests related to these novel tobacco products in accordance with Article 5.3 of the FCTC.
- 10) Strengthen the material, logistical and financial capacities of regional trade services as part of their mission;
- 11) Conduct a study on the impact of higher taxes on the number of lives saved, the prevalence of tobacco use and tax revenues;
- 12) Establish a tracking and tracing system independently of the code "Codentify" which is a tool developed by the tobacco industry and therefore does not constitute a guarantee to fight against illicit trade;
- 13) Pool actions between Customs, trade, and actors in the fight against tobacco.

²⁰ According to the CAP survey on new and emerging tobacco products, 29% of pulmonologists surveyed consider them to be nicotine substitutes, 59% prescribe them to their patients for withdrawal and 12% use them in their withdrawal practices.

7. Tobacco Industry Interference Index 2023

Results and Findings

Quotation	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government accepts, supports or endorses any offer for ²¹ assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests in setting or implementing public health policies in relation to tobacco control (Rec 3.4 ²²²³)		1				

Directive 3 of Article 5.3 calls for "rejecting partnerships and non-binding or unenforceable agreements with the tobacco industry". Recommendation 3.1 is then worded as follows: "Parties should not accept, support or agree to unenforceable or non-binding partnerships and agreements or voluntary arrangements with the tobacco industry or an entity or person engaged in promoting its interests".

During the period, no offer of assistance, support or partnership agreement with the tobacco industry in the definition or implementation of public health policies, particularly in the fight against smoking, was accepted to our knowledge.

2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)			2			
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In the same vein, and in relation to guideline 3 of Article 5.3, recommendation 3.4 reads as follows: "Parties should not accept, support or accept any offer of assistance or a proposal for tobacco control legislation or policy developed by or in collaboration with the tobacco industry".

During the period, there was no support or collaboration with the tobacco industry for the adoption of laws, decrees or orders against tobacco products in the definition of public health policy.

Nevertheless, a recent decree indicates that the Senegalese State has decided to adopt the Codentify system for the traceability of tobacco products, which is inspired and piloted by the tobacco industry; this report suggests that contacts are taking place between the industry and some members of the government and indicates that the ministries of this government have apparently not consulted on this subject since the positions of the Ministry of Health appears not to be heard.

(Rworkshop contribution Saly Portudal February 2023)

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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Directive 4 of Article 5.3 recommends "Avoiding conflicts of interest among officials or employees of the State". Recommendation 4.8 then reads as follows: "Parties should not allow a person employed by the tobacco industry or an entity engaged in promoting its interests to serve on a public body, committee or advisory group that develops or implements tobacco control measures or public health policy".

In 2010, the tobacco industry participated in one of the workshops to draft the tobacco control bill. It is pleased to note that since that date the tobacco industry has not been invited to the table by the public

²¹ 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

²² The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

²³ "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

Quotation

0 1 2 3 4 5

authorities to define public health policy, even less during the drafting of Law 12/2014 of 28 March 2014 on the manufacture, packaging, labelling, sale and use of tobacco.

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) (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. ²⁴ For non-Parties, apply a score of '0'

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In the same vein, and in relation to guideline 4 of Article 5.3, recommendation 4.9 reads as follows: "Parties should not include persons employed by the tobacco industry or entities engaged in promoting its interests in delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other body established by a decision of the Conference of the Parties".

In addition, guideline 8 of Article 5.3 calls for "treating the public tobacco industry like any other tobacco industry". Indeed, the tobacco industry can be public, private or mixed and these guidelines apply to the entire tobacco industry, regardless of its status. Recommendation 8.3 then reads "Parties should ensure that representatives of the public tobacco industry are not part of delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other body established in accordance with decisions of the Conference of the Parties".

In Senegal, there is no public tobacco industry and the state does not hold shares in any of the private tobacco companies. The government has never appointed, authorized or sponsored the tobacco industry, including its representatives, to be part of the national delegation to meetings of the COP or its subsidiary bodies (COP 4 & 5, INB 4 5, WG).

INDICATOR 2: Industry CSR activities

Guideline 6 of the Article 5.3 calls for "denormalizing and, to the extent possible, regulating activities described as "socially responsible" by the tobacco industry, including but not limited to activities described as "Corporate Social Responsibility".

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 (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)²⁵
 NOTE: exclude enforcement activities as this is covered in another question

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Following guideline 6 of the Article 5.3, recommendation 6.2 reads as follows: " Parties should refrain from endorsing, supporting or participating in activities described as socially responsible".

To our knowledge, governments are no longer publicly involved in the activities of the tobacco industry over the period April 2021 to March 2023. PMMSN²⁶ claims to do CSR activities in Senegal but does not indicate which government it engages with.

Following guideline 6 of Article 5.3, recommendation 6.4 reads as follows: "Parties should not allow any of the three authorities or the public sector to accept political, social, financial, educational,

²⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

²⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

²⁶ [Philip Morris International \(PMI\) | Senegal - EN](#)

Quotation

0 1 2 3 4 5

community or other contributions from the tobacco industry or those engaged in promoting its interests, except in the case of compensation resulting from judicial settlement or provided for by legislation or legal agreements. binding or enforceable".

To our knowledge, the State has not accepted any donation from industry or its allies, whether in kind or in cash, over the period covered.

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)			2			
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Guideline 7 of Article 5.3 calls for "No preferential treatment to the tobacco industry". Indeed, some governments encourage investments by the tobacco industry and even subsidize them by granting them financial incentives such as partial or complete exemption from taxes prescribed by law. In response, recommendation 7.1 reads as follows: "Parties should not grant incentives, privileges or advantages to the tobacco industry for the establishment or continuation of their activities".

In March 2017, as part of the implementation of health warnings validated following a perception survey of the population, the tobacco industry had requested a period of six (6) months to make the necessary changes in its production tools in order to be able to produce compliant packaging in sufficient quantities and technically meet the injunction of the law. The Prime Minister had granted him this period. Negotiations respecting the rules of transparency helped to prevent a conflict and resolve the problem. (Survey Plus November 2019). There was no more delay for implementation of the warnings.

7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)				4		
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Recommendation 7.3 reads as follows: "Parties should not grant preferential tax exemptions to the tobacco industry".

In Senegal, the tobacco industry benefits from exemption from specific import taxes. On the basis of Articles 410 and 433 of the General Tax Code (CGI) are exempt from specific taxes: exports and resales in the state of raw tobacco, smoking tobacco, chewing tobacco or snuff, cigars, cigarettes and other tobacco having actually borne the specific tax in Senegal on the following bases: tobacco received in bulk, manques or leaf when intended for use in Senegal for the manufacture of cigars, cigarillos, cigarettes, smoking tobacco and other tobacco, in particular chewing tobacco or snuff.

International travellers entering Senegal can bring duty free 200 cigarettes or 50 cigars duty-free or 250 grams of tobacco or tobacco products.

Given there is no change, the score is maintained at 4.

On the other hand, since the closure of the MTOA factory, the Government seems to be backing down because of the arguments put forward by the industrialists, that is to say the anti-smoking law and taxes have pushed us to close the factory. The government seems to be more concerned about 250 persons who have lost their job than 500 000 smokers in Senegal, of which half will fall sick and die prematurely.

INDICATOR 4: Forms of Unnecessary Interaction

8. Top level government officials (such as President/ Prime Minister or Minister) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or			2			
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Quotation	0	1	2	3	4	5
organized by the tobacco companies or those furthering its interests. (Rec 2.1) ²⁷						

Guideline 2 of Article 5.3 calls for "Adopting measures to limit interactions with the tobacco industry and ensure transparency of those that take place". Recommendation 2.1 states: "Parties should interact with the tobacco industry only when necessary and strictly limited to what is necessary to enable them to effectively regulate the tobacco industry and tobacco products."

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)			2			
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Recommendation 4 of Article 5.3 recommends "Avoiding conflicts of interest among officials or employees of the State". Recommendation 4.3 is then worded "Parties should not contract for work related to the development and implementation of public health policies related to tobacco control with candidates or bidders whose interests conflict with existing tobacco control policies".

During a mission to the south with Customs officers in 2020, the head of service claimed to have received in the past a grant of 5 million from the tobacco industry to combat cigarette smuggling at the borders and with a vehicle device to facilitate travel. (sources: LISTAB supervision report)

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 <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.			2			
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Directive 3 of Article 5.3 calls for "rejecting partnerships and non-binding or unenforceable agreements with the tobacco industry". Recommendation 3.1 is then worded as follows: "Parties should not accept, support or agree to unenforceable or non-binding partnerships and agreements or voluntary arrangements with the tobacco industry or an entity or person engaged in promoting its interests".

The government of Senegal has never officially expressed support or partnership with the tobacco industry, so it is difficult to say that this does not exist.

Example: The donation of 1 billion from the businessman is an illustration of this as a contribution to the covid19 force fund set up by President Macky Sall to fight the covid19 pandemic. We have got the information by local press.

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
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Guideline 2 of Article 5.3 calls for "Adopting measures to limit interactions with the tobacco industry and ensure transparency of those that take place". Recommendation 2.2 states: "Where interactions with the tobacco industry are necessary, Parties should ensure that they are conducted

²⁷ Includes immediate members of the families of the high-level officials

Quotation	0	1	2	3	4	5
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in a transparent manner. To the greatest extent possible, interactions should take place in public, for example through public hearings, public notices or by disclosing to the public documentation relating to such interactions."

The LISTAB article in Enquête Plus shows that public authorities do not publicly disclose information about meetings/interactions with the tobacco industry, where such interactions are strictly necessary.

Source: [Survey Plus-November 26, 2021](#)

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)				4	
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Recommendation 5 of Article 5.3 states: "Require transparency and accuracy of information provided by the tobacco industry". Indeed, in order to be able to take effective measures to prevent the tobacco industry from interfering with public health policies, Parties must be informed of its activities and practices, thus ensuring transparency in its operation. Article 12 of the Convention requires Parties to promote public access to such information in accordance with national legislation. Recommendation 5.3 reads as follows: "Parties should require that rules be adopted for the provision of information or registration of tobacco industry entities, their affiliated organizations and individuals acting on their behalf, including lobby groups".

Governments have not yet put in place rules for making available and disseminating licensing information to tobacco industry entities, their affiliated organizations and individuals acting on their behalf, including media groups.

INDICATOR 6: Conflict of Interest

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) / Never 5 Yes					5
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Recommendation 4 of Article 5.3 recommends "Avoiding conflicts of interest among officials or employees of the State". Recommendation 4.11 then reads "Subject to the provisions of national legislation and constitutional principles, Parties should have effective measures in place to prohibit the tobacco industry or an entity promoting its interests from making contributions to political parties, candidates or campaigns, or to require full disclosure of the details of such contributions".

There is a natural conflict of interest between the State of Senegal, which guarantees the health of the population, and the tobacco industry, which is the enemy of public health. At the level of the General Secretariat of the Government, texts have still been pending for several years due to pressure from the tobacco industry.

The government does not prohibit the tobacco industry or any entity that promotes its interests from making contributions to political parties, candidates or political societies, nor does it require full disclosure of the details of such contributions.

Law 2014-14 of 28 March 2014 on tobacco control, relating to the manufacture, packaging, labelling, sale and use of tobacco, did not include this prohibition. In addition, Senegal does not have a law regulating the financing of political parties.

14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0				
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Following guideline 4 of Article 5.3, recommendation 4.4 reads as follows: "Parties should develop clear policies requiring officials who play or have played a role in the development and implementation of public health policies concerning tobacco control to inform their superiors of their possible intention to work in the tobacco industry, for profit or not, for a certain period of time after leaving office."

Quotation	0	1	2	3	4	5
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					

Following guideline 4 of Article 5.3, recommendation 4.5 reads as follows: "Parties should develop clear policies that require candidates for public service positions involved in the development and implementation of public health policies on tobacco control to declare any current or previous work with the tobacco industry, for profit or not."

There is no evidence that candidates for public service positions to play a role in the development and implementation of public health policies regarding tobacco control have declared current or previous work in any of the tobacco companies in Senegal, whether for profit or not, including a consulting position.

Following guideline 4 of the Framework Convention, recommendation 4.8 reads as follows: "Parties should not allow a person employed by the tobacco industry or an entity engaged in promoting its interests to serve on a public body, committee or advisory group that develops or implements tobacco control measures or public health policy".

There is no evidence that the Government of Senegal has authorized a person employed by the tobacco industry or an entity that promotes its interests to be part of a public body, committee or advisory group that develops or implements tobacco control measures or public health policy."

However when MTOA closed its manufacturing facility and compensated its workers, according to a news report, among its employees were "two ministers who are currently sitting in the Government of Senegal"²⁸.

Following guideline 4 of Article 5.3, recommendation 4.10 reads as follows: "Parties should not allow an official or employee of the State or of a semi-public or quasi-public body to accept payments, donations or services, in cash or in kind, from the tobacco industry".

There is no evidence that any government official from the Government of Senegal is acting as a consultant to the MTOA or PMMSN.

INDICATOR 7: Preventive Measures

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
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Recommendation 5 of Article 5.3 states: "Require transparency and accuracy of information provided by the tobacco industry". Recommendation 5.1 states: "Parties should introduce and implement measures to ensure transparency in all operations and activities of the tobacco industry".

Currently, there is no procedure for disclosing documents relating to interactions with the tobacco industry in Senegal. Nor do we have any evidence that the government of Senegal has attempted malfeasance to prevent transparency of the tobacco industry's operations and activities.

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						5
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²⁸ https://www.pressafrik.com/La-Mtoa-en-faillite-apres-70-ans-d-existence-plusieurs-milliards-Cfa-pour-l-indemnisati- des-salaries_a242691.html

Quotation	0	1	2	3	4	5
4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>						

Recommendation 4 of Article 5.3 recommends "Avoiding conflicts of interest among officials or employees of the State". Recommendation 4.2 reads: "Parties should design, adopt and implement a code of conduct for government officials prescribing standards to be followed in interactions with the tobacco industry".

At present, the Government has not yet developed, adopted and implemented a code of conduct for public officials (civil servants and non-civil servants) setting out the rules to be followed in their interactions with the tobacco industry. Nor did we see a clear refusal on the part of the government not to develop a code of conduct prescribing standards to be followed in interactions 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)						5
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Today, there is very little information on the existence of a regulatory text requiring the tobacco industry to periodically provide information on tobacco production, tobacco product manufacturing, market share, marketing expenses, revenues, including lobbying activities, charitable activities, political contributions and any other activity. What is certain is that the government is passive and silent when it comes to asking the tobacco industry to submit the aforementioned information periodically.

19. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2) ²⁹					4	
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Guideline 1 of the FCTC states: "Increase awareness of the harmfulness and addictiveness of tobacco products and the interference of the tobacco industry in the tobacco control policies of Parties".

Recommendation 1.1. is worded as follows: "Taking into account Article 12 of the Convention, Parties should inform and educate all sectors of the State and the public about the harmfulness of tobacco products and their addiction and the need to protect public health policies concerning tobacco control from the commercial and other interests of the tobacco industry and the strategies and tactics it uses to interfere in the development and implementation of public health policies related to tobacco control."

Recommendation 1.2. is worded as follows: "Parties should also raise awareness of the tobacco industry's practice of using individuals, front groups and affiliated organizations that act, openly or indirectly, on its behalf or promote the interests of the tobacco industry."

Outside health departments, most decision-makers in WAEMU countries are not necessarily aware of the strength and effectiveness of the WHO FCTC, especially Article 5.3 of the Convention. In economic departments, until recently, tobacco taxation was very often seen more as a tool for collecting additional public revenue rather than a means of improving the health of populations through tobacco control. There is therefore every reason to fear that decision-making processes will be influenced by disinformation campaigns organised by the tobacco industry. At present, the Senegalese government has no program, system or plan to systematically sensitize its political departments to the guidelines of Article 5.3 of the FCTC.

It is gratifying to note that consciences are awakening at the level of state actors in the various ministerial departments involved in tobacco management. Indeed, the analysis of the results of the CAP survey conducted by the PNLT in 2023 on new and emerging tobacco products informs that the agents of the

²⁹ 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.

Quotation**0 1 2 3 4 5**

Directorate of Trade, the Directorate of Customs, the Directorate General of Taxes and Domains and especially the Pulmonologists have recognized that the consumption of these new tobacco products has harmful effects on health. They proposed to reduce the prevalence of consumption of the minors. See Annex A for availability of new products in Senegal.

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)

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Recommendation 3 of article 5.3 calls for "rejecting partnerships and non-binding or unenforceable agreements with the tobacco industry". Recommendation 3.1 then reads: "Parties should not accept, support or accept any offer of assistance or proposals for tobacco control legislation or policies developed by or in collaboration with the tobacco industry".

Currently, Senegalese public authorities do not have a policy in place prohibiting the acceptance of any form of contribution or gift from the tobacco industry (financial or otherwise, including offers of assistance, political projects or invitations to study tours given or offered to the government, its agencies, officials and their relatives).

However, it should be noted that Article 1 of Law No. 12/2014 of 28 March 2014 of Senegal stipulates: "the State formally prohibits any interference by the tobacco industry in national health policies"; There is certainly no specific directive and the law has not detailed the points of interference, but it has nevertheless denounced any form of interference by the tobacco industry in national health policies.

TOTAL SCORE**55**

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS ³⁰	SOURCE
1	Philip Morris International (PMI)	53% ³¹	Marlboro L & M (Liggett & Myers Tobacco Company)	https://www.pmi.com/markets/senegal/en https://bit.ly/37166cp https://tabak.kkiosk.ch
2	Manufacture des Tabacs de l'Ouest Africain (MTOA) which stopped its production activities in 2021. ³²	47%	Excellence, Houston, Davidoff	https://elibrary.acbfact.org https://www.pulse.sn https://t.co/2zPlrTFH3k

Market power appears to be different depending on whether the manufacturer produces luxury cigarettes or economy cigarettes. Philip Morris Senegal (PMMSN), which produces luxury cigarettes, sees its demand increase when its price increases, while the opposite is true for MTOA, which produces economical cigarettes. In addition, the cigarette market in Senegal is estimated at 2 million units per year, worth about 60 billion CFA francs. PMMSN exports to 13 West African countries (75% of PMMSN's production volume^{33,34}).

	TOP MEDIA/ NEWSPAPERS	URL
1	Philip Morris Manufacturing Senegal	https://bit.ly/36Z0eR5
2	The Investigation	https://bit.ly/3iRFVKC
3	Kéwoulo	https://bit.ly/2TBab3T
4	Sénéweb	https://bit.ly/3x6HUjw
5	Dakar news	https://bit.ly/3x0lf8x

³⁰ The illicit tobacco trade introduced trademarks Dunhill, Ronson, SIR et Ducal-CEPOD-2017 Report

³¹ After the closure of MTOA, PMI saw its business grow.

³² MTOA, a subsidiary of the Imperial Tobacco group, after successive losses since the vote of the anti-smoking law which resulted among other things in the application of excise duties (indirect tax collected by consumers) decided to close its factory to install it in Abidjan in Côte d'Ivoire. Nevertheless, it continues to import cigarettes and market them in Senegal.

³³ Consortium for Economic and Social Research (CRES)

³⁴ Philip Morris Senegal. <https://www.pmi.com/markets/senegal/en>

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Senegal Smokers' Association	Allied Group	https://bit.ly/310Wjv4 https://bit.ly/3zDr7WK
2	Lead Africa Francophone	Facade group	https://bit.ly/2V9zr1C
3	Association JOINED	Allied Group	https://bit.ly/36YDuR2
4	ALLAFRICA	Allied Group	https://bit.ly/3i6EQOg

	Sellers of new and emerging tobacco products³⁵	Address	Telephone
1	Kyfeel E-cigarette electronic store	Ouakam cité avion, Kyfeel Ouakam restaurant, 31000	77 341 53 52
2	Africa smoking Dakar	Centre commercial Dakar city, Ngor, Almadies Dakar	77 115 15 00
3	Hello vape	KFC and Eric Kayser, Fann residence, rue 152 Dakar	77 093 93 16
4	Electronic cigarette	11000 Dakar plateau	77 476 01 46
5	Smoking vape store Dakar	Dakar 11000, rue Gand Yoff 184	78 278 24 17
6	Electronic cigarette e-lique	Dakar 12500, rue sacré coeur 166	78 102 53 80
7	Afroking Vap	Rue A point E, 10700 Dakar	77 19 2 97 20
8	Electronic cigarette shop and Puff	West Fair	77 800 79 20
9	Yosslasaveur	Rue Galandou Diouf plateau	77 965 37 35
10	The Dakar vaper (DKRVAPE)	FN Street 47, Dakar	78 018 40 78
11	Electronic Chicha	Scat Urbam	77 381 78 16
12	E-vap	Dakar, Sacré-Cœur,	77 679 79 58
13	The Smoker	Rue Jules Ferry	33 823 95 56
14	At Yacine's	Saly Portudal Mbour next to Casino supermarket	77 537 60 47
15	E-vap	Saly Portudal, Mbour, Senegal	77 679 79 58
16	The Smoker	Saly Portudal Mbour	33 957 43 02

³⁵ CAP Survey Report on New and Emerging Tobacco Products-PNLT_OMS-2023