
Thailand

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

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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. The report covers information on incidents from 1 April 2021 to March 2023, but also includes prior incidents that are still relevant.

Thailand

Tobacco Industry Interference Index 2023

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹ 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. ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.4)					4	
<p>January 2022: ECST met with the Minister of Digital Economy and Society, then the Minister set up a working group to study possibility of legalizing e-cigarette in Thailand.</p> <p>October 2022: The House Commerce and Intellectual Property Committee, which appointed two members of Ends Cigarette Smoke Thailand (ECST), issued a report to support legalizing e-cigarettes in Thailand.</p> <p>February 2023: The Sub-Committee for Studying Factors Affecting the Health System and Monitoring the Enforcement of Public Health Laws in the House Committee on Public Health issued a report to support ‘harm reduction’ in tobacco control and legalizing e-cigarette in Thailand.</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)		1				
Despite vaping representatives (EST)’s attempt to persuade the government to accept harm reduction, the government did not endorse or change any policy based on or drafted by these meetings.						
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 Never 5 Yes					4	
<p>2021-2022: The Sub-Committee for Study on Tobacco and Commercial E-Cigarettes in the House Committee on Commerce and Intellectual Property appointed two members of Ends Cigarette Smoke Thailand (ECST), an organization linked to Foundation for a Smoke-Free World as consultants.</p> <p>2021-2022: The Sub-Committee for Studying Factors Affecting the Health System and Monitoring the Enforcement of Public Health Laws in the House Committee on Public Health allowed two representatives of ECST to participate in their meetings.</p>						
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		1				

¹ 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

² The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

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

	0	1	2	3	4	5
delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁴ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.						
The government does not include representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies nor accept any sponsorship for delegates.						
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. For example, environmental programs. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions ⁵ (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>				3		
<p>20 December 2022: The Tobacco Authority of Thailand organized the project "See, Taste, Shop, Chiang Rai Tobacco" to give as a New Year's gift to the people of Chiang Rai. The event had an area for trading products agricultural crops and stimulate the economy of Chiang Rai between December 29, 2022 and January 29, 2023 at Suan Tung and Khom Nakorn Chiang Rai Thailand.⁶</p> <p>30 March 2023: The Tobacco Authority of Thailand signed a Memorandum of Understanding on cooperation in agriculture and research studies to develop crops, cocoa, hemp, cannabis, kratom and other cash crops to replace tobacco with Rajamangala University of Technology Krungthep and Ban Tham Sing Coffee Group Community Enterprise.⁷</p>						
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)				3		
2023: The cabinet did not approve the tobacco ingredient regulation proposed by the Ministry of Health due to disagreement of the Ministry of Finance in order to protect farmers and the Tobacco Authority of Thailand.						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)			2			
The government gave an exemption of tobacco sales license fee between 1 January to 31 December 2023.						
<p>Duty free cigarettes International travelers are allowed to bring 200 sticks of cigarettes or 500 grams of other</p>						

⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

⁶ <https://www.thaitobacco.or.th/2022/12/0053645.html>

⁷ <https://www.thaitobacco.or.th/2023/03/0056600.html>

	0	1	2	3	4	5
tobacco products or 1 kilogram of sliced tobacco. ⁸						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ⁹) 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)				3		
January 2022: ECST met with the Minister of Digital Economy and Society, following which the Minister set up a working group to study the possibility of legalizing e-cigarettes in Thailand.						
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)		1				
19 September 2022: The Tobacco Authority of Thailand and the Tobacco Growers and Traders Association (received funding from PMI) attended a meeting with the Sub-Committee for Studying Factors Affecting the Health System and Monitoring the Enforcement of Public Health Laws in the House Committee on Public Health to discuss about the impact of smuggling and selling illegal cigarettes.						
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) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>		1				
The government does not accept or enter into any partnership with the tobacco industry or any entity working for it.						
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)				3		
Minutes were taken during the meeting with tobacco industry, but these are not made public, sometimes high-level officials were involved.						
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	
There is no registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf. But the representatives of the Tobacco Authority of Thailand are known.						
INDICATOR 6: Conflict of Interest						

⁸ See Section 165 of Excise Tax Act B.E. 2560 (2017)

⁹ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
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					4	
<p>NACC law, Section 128 there are some regulations that are in line with FCTC Article 5.3 on Conflict of Interest.</p> <p>While there is no complete prohibition of political contribution, some limits are set in the Organic Act on Political Parties, B.E. 2560 (2017) – Section 66 mentions that political parties must not accept donation from anybody (including TI) more than 10,000,000 THB a year, while the politicians must not accept gift from anybody (including TI) more than 3,000 THB.³⁰</p> <p>Section 66 of the Organic Act on Political Parties, B.E. 2560 (2017)³¹</p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)			2			
<p>Retired Military personal is a board member of the Tobacco Authority of Thailand (TOAT). The TOAT, formerly called the Thai Tobacco Monopoly (TTM), is a state-owned enterprise registered as a government agency under the supervision of the Ministry of Finance in Thailand.</p>						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)					4	
<p>Board members of the Tobacco Authority of Thailand are senior government officials with the Ministry of Finance.</p>						
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)		2				
<p>At the juridical council deliberation, it was considered since the Ministry of Public Health had issued a ministerial regulation on “Guidelines on Interaction with Tobacco Entrepreneurs and Related Persons”³³ and the Office of the Civil Service Commission’s regulation prohibited civil servants’ interaction with industry in a way that may lead to policy interference, this should apply to all ministries. Hence, the implementation of Recommendation 2 of WHO FCTC Article 5.3 was at ministerial regulation. TC law drafting working group will work with other ministries to develop the regulation on interaction with tobacco entrepreneurs and related persons, as MOPH had done earlier.</p>						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>			2			

³⁰ Parliament of Thailand. Donation to Political Parties. 2018 <https://bit.ly/2WZcaxb>

³¹ Senate of Thailand. An act of the Thai National Assembly, called the "Organic Act on Political Parties BE 2560.2017. http://m.senate.go.th/eppo/3_60.pdf

³³ Regulation of the Ministry of Public Health On communication between the authorities and operators or concerned persons of tobacco products B.E. 2559 (A.D.2016). 2016. <https://bit.ly/2Yj0Lm7>

	0	1	2	3	4	5
Only the Ministry of Public Health has adopted a code on Article 5.3.						
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)			2			
<p>Tobacco Products Control Act 2017:</p> <p>Section 40: The manufacturer or importer of tobacco products have to report the volume of production or importation into the Kingdom, market share, marketing expense, income and expense as per Article 35, annual report, audited financial statement and any other information for the benefits of tobacco products control to the Committee, according to the rules, procedures and conditions as stipulated in the Ministerial Regulations by recommendations of the Committee.³⁴ The implementing regulations are being drawn up.</p> <p>This section aims to monitor whether tobacco industry is transparent and provides accurate information. Information provided will ascertain whether the tobacco industry violates the law by allocating the budget for tobacco industry related CSR activities, lobbying activities and any tobacco advertisement that is prohibited by law. If such expenses are found in the report, action will be taken against the tobacco industry as provided in the law. If false or incomplete information is provided by the tobacco industry, it shall be subjected to imprisonment or a fine as stated in Section 66.</p>						
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)			2			
<p>Only the Ministry of Public Health actively implements Article 5.3. Other ministries can establish their respective regulation, following MOPH and the Office of the Civil Service Commission that has regulation to prohibit civil servants' interaction with the tobacco industry that applies to all ministries.</p>						
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)			2			
<p>While there is no contribution offered to the government, however there is no restriction on study visits.</p>						
TOTAL			50			

³⁴ Notification of the Ministry of Public Health Re: Criteria, Methods and Conditions for Information Submission by Manufacturers or Importers Engaging in Sale of Cigarette Tobacco Products in the Kingdom B.E. 2562. 2019

Annex A: Sources of Information

	TOP TOBACCO COMPANIES	MARKET SHARE %	BRANDS	SOURCE
1	Tobacco Authority of Thailand	54	Krong Thip 90, Royal, Falling Rain, Gold City, Samit, Tuk-Tuk	https://en.thaitobacco.or.th/2022/10/001904.html/
2	Philip Morris Trading (Thailand) Co. Ltd	40	Marlboro, L&M, Philip Morris	https://www.philipmorrishailand.com/
3	JT International (Thailand) Ltd	4	Mevius, Winston, Camel	

	TOP MEDIA	SOURCE
1	Bangkok Post	https://www.bangkokpost.com/
2	Thaiger	https://thethaiger.com/
3	Thai Rath (Thai)	https://www.thairath.co.th/
4	Khao Sod (Thai)	https://www.khaosod.co.th/
5	Thai PBS World	https://www.thaipbsworld.com/

	TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, AFFILIATE, INDIVIDUAL)	SOURCE
1	Ends Cigarette Smoke Thailand (ECST)	Front group	https://timonitor.seatca.org/front-groups-think-tanks-and-lobby-groups/
2	Thai Smokers Group (TSG)	Front group	
3	Thai Tobacco Farmers, Curers and Dealers Association	Farmers group	