

Ecuador



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The tobacco industry (TI) continues to seek influence over public policymaking, building relationships with institutions involved in tobacco control and framing smuggling as a threat to jobs in tobacco related sectors, an argument that resonates in a country sensitive to unemployment. While no reforms to the Organic Law for the Regulation and Control of Tobacco (LORCT) have been debated in the National Assembly in recent years, the TI has maintained close ties with regulatory agencies such as the Internal Revenue Service (SRI), the National Customs Service of Ecuador (SENAE), and the National Agency for Health Control, Regulation, and Surveillance (ARCSA). Ecuador does not allow the TI to influence its participation in high level meetings, including the WHO FCTC Conference of the Parties, where delegates from the Ministry of Public Health (MSP) have demonstrated strong leadership.

2. Industry CSR Activities

Article 19 of the LORCT prohibits the promotion of corporate social responsibility (CSR) programs by the TI. Despite this restriction, the industry continues to gain recognition and awards from corporations, enabling it to build relationships and position itself as a supporter of national initiatives, particularly by emphasizing its role in combating smuggling. The TI leverages Ecuador's ongoing security crisis, which is closely linked to drug trafficking and smuggling, to strengthen its narrative and influence public perception and policymaking.

3. Benefits to the Industry

The absence of comprehensive reforms to the LORCT favors the TI, particularly in the marketing of electronic cigarettes and vapes, which remain poorly regulated despite WHO FCTC obligations and Conference of the Parties guidance. These products are openly sold in shopping centers where minors can access them easily. A citizen complaint filed with ARCSA was dismissed, effectively enabling continued sales and reinforcing the industry's influence.

4. Unnecessary Interaction

The TI has engaged with institutions through recognition initiatives such as the "Exemplary Practices" competition, organized by the Leaders to Govern Corporation, which counts Itabsa and Proesa, subsidiaries of Philip Morris International, as benefactors. These activities provide the TI with opportunities to strengthen relationships with key stakeholders and promote its CSR initiatives. Through such actions, the industry portrays itself in the media and the public as a positive contributor, framing its involvement as support for anti smuggling and environmental sustainability programs.

5. Transparency

Ecuador lacks a formal mechanism to ensure transparency of interactions between the TI and government officials, creating opportunities for agreements that may favor corporate interests. The National Assembly is the only institution that consistently provides visibility into stakeholder participation by publishing appearances in legislative committees, enabling civil society and tobacco control advocates to monitor proceedings. The MSP maintains signed records of information shared with the TI

for health warning management, though these records are not publicly accessible. The Inter Institutional Committee for the Regulation and Control of Tobacco (CILA), the country's highest tobacco control authority, has implemented a conflict of interest waiver for its members and board, representing a positive step toward transparency.

6. Conflict of Interest

Ecuador does not prohibit contributions from the TI or its representatives to political parties, candidates, or campaigns, and it does not require disclosure of such contributions. There are no public records indicating industry donations during presidential or assembly elections.

7. Preventive Measures

There is no national policy or protocol in Ecuador to prohibit interactions between the TI and public officials, even when such interactions occur under exceptional circumstances. While the LORCT requires the TI to submit certain information and the SRI collects data on traceability systems for cigarettes, alcohol, and beer, these provisions are not designed to regulate the TI. There are no policies requiring disclosure of lobbying, philanthropy, or political contributions. Some frameworks, such as the Companies and Organizations Law, allow authorities to request information, but they are not specific to tobacco control.

RECOMMENDATIONS

Axis 1. Strengthening Policies and Cooperation

- Strengthen CILA so it can generate guidance for managing relationships between public institutions to avoid interference from the TI.
- Strengthen cooperation between national and international organizations, as well as government institutions, for proper implementation of Article 5.3 of the WHO FCTC and Article 4.2 of the Protocol.
- Require the TI to disclose information on production, importation, manufacturing, distribution, market share, marketing expenses, profits, lobbying, philanthropy, and political contributions.

Axis 2. Development of Regulations

- Propose an amendment to the LORCT that explicitly bans CSR activities or contributions by the TI, prohibits public officials from attending or participating in industry sponsored events, and requires disclosure of TI entities, affiliated organizations, and representatives, including lobbyists and public relations officers.
- Establish a code of conduct for public officials with detailed protocols on interactions with the TI, including sanctions for non compliance.

Axis 3. Transparency

- 1. Establish a requirement for government institutions to make public and easily accessible information on all meetings or interactions with the TI, limiting them strictly to regulatory purposes.

Axis 4. Processes and Programs

- Develop a mandatory training program for public officials, delivered through state training institutions, on Article 5.3 of the WHO FCTC.
- Conduct campaigns through the MSP and in collaboration with CILA to raise awareness across public institutions about the importance of preventing TI interference in policymaking.