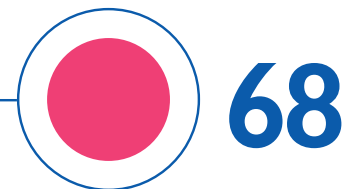


Guatemala



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Law Initiative 5461, which aims to strengthen tobacco control, has seen no progress since 2019, despite prior involvement from the tobacco industry (TI) during its review. Recent actions, such as public events marking World No Tobacco Day and executive initiatives to prevent e-cigarette use, demonstrate some government efforts toward tobacco control. However, the introduction of Law Proposal 6498 in 2025, which seeks to regulate nicotine products, included meetings with business leaders from the e-cigarette sector. During these meetings, officials emphasized cooperation with the TI, raising concerns about policy integrity.

At the international level, Guatemala's participation in the Conference of the Parties (COP) 9 and 10 was marked by controversy and obstruction, with civil society reporting influence from individuals tied to the TI. At COP10, Guatemala received the "Dirty Ashtray Award" for actions perceived as undermining its progress.

2. Industry CSR Activities

Tabacalera Centroamericana S.A. (TACASA), a Philip Morris affiliate, has launched initiatives to enhance its public image using corporate social responsibility (CSR). These include the introduction of new products such as IQOS ILUMA and VEEV, marketed as "smoke-free" alternatives despite delivering addictive nicotine. In collaboration with CentraRSE, TACASA expanded the "Guate Sin Desechos" program in 2024, focused on recycling tobacco and e-cigarette waste. These activities function as CSR strategies aimed at reputation management and normalizing the TI's presence in public spaces.

3. Benefits to the Industry

There is no evidence that the government has granted special privileges or accommodated requests from the TI in recent tobacco control legislation. Law Proposal 5461 has remained inactive since 2019. While the government does not provide direct subsidies or tax exemptions, the lack of updated fiscal policies for emerging products such as e-cigarettes and heated tobacco has created a regulatory gap that allows these products to circulate untaxed and less regulated, making them more appealing to consumers.

4. Unnecessary Interaction

FUNDESA, a prominent Guatemalan development foundation, presents itself as a neutral actor fostering public-private cooperation, but its financial ties to TACASA raise concerns about corporate influence over public policy. High-level government officials have participated in FUNDESA-led events, underscoring the need for stronger safeguards against TI interference in public discourse.

5. Transparency

The government does not publicly disclose its interactions with the TI, even when related to regulatory matters, and no law or code currently requires such transparency. In March 2025, although no formal evidence of meetings exists, two members of Congress met with e-cigarette industry representatives to discuss Initiative 6498, which seeks to regulate labeling, advertising, and sales to minors.



6. Conflict of Interest

Guatemala lacks legislation that prohibits or requires disclosure of financial or in-kind contributions from the TI to political actors, leaving space for potential undue influence. Legislative Initiative 5461 proposes restrictions on such contributions and conflict-of-interest safeguards, but it has been inactive since 2019. While there is no evidence of current or former public officials holding roles in the TI, Guatemala has no regulations preventing such appointments, posing future conflict-of-interest risks.

7. Preventive Measures

Guatemala has not implemented comprehensive preventive measures. There are no formal procedures for recording interactions, no specific codes of conduct, and no policies prohibiting contributions or gifts from the TI. Although the Ministry of Health has adopted some good practices such as disclosing meetings with the TI, these are informal and not institutionalized. There is no publicly available information that the government intends to implement Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC).

RECOMMENDATIONS

1. Establish a national program for Article 5.3 implementation. Create a government-led intersectoral program, coordinated by the Ministry of Public Health and Social Assistance, to oversee policies aligned with Article 5.3 and monitor compliance across all levels of government.
2. Review and approve Law Proposal 5461 on tobacco control. Urgently review, debate, and pass Law Proposal 5461, which includes provisions to regulate interactions between public officials and the TI and strengthens the legal framework in line with WHO FCTC obligations.
3. Develop and enforce a code of conduct for public officials. Adopt a binding code with standards for interactions with the TI, including transparency measures, conflict-of-interest rules, and penalties for noncompliance.
4. Regulate emerging products, including e-cigarettes and heated tobacco products (HTPs). Update tobacco control legislation to cover e-cigarettes, nicotine delivery systems, and HTPs, which are currently marketed without clear regulation.
5. Implement a registry for disclosure of meetings with the TI. Establish a formal mechanism to record and publish all interactions, including dates, participants, topics, and outcomes.