

Myanmar



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The Central Board for the Control of Smoking and Consumption of Tobacco Products (National Tobacco Control Board), established under the National Tobacco Control Law of 2006, was reconstituted by the Union Government in 2023. The Union Minister of Health (MoH) serves as Chair, and the Director General of the Department of Public Health acts as Secretary of the Board. The Board has met once or twice a year since 2019. Although there are no representatives from the tobacco industry (TI) on the Board, the government often considers TI proposals when setting or implementing public health policies. In 2020, tobacco companies submitted proposals for tobacco tax reform to the Internal Revenue Department (IRD), Ministry of Planning and Finance (MoPF), and to parliamentarians. These offices acknowledged receipt of the proposals and indicated that the suggestions would be considered in the Union Tax Bill.

2. Industry CSR Activities

Despite prohibitions on tobacco industry-sponsored corporate social responsibility (CSR) activities and tobacco advertising, promotion, and sponsorship (TAPS) under the Control of Smoking and Consumption of Tobacco Products Law, Japan Tobacco International's (JTI) project to provide drinking water for refugees in Kayin State is still ongoing. In addition, the American Chamber of Commerce Myanmar (AMCHAM Myanmar) has presented annual awards for Best CSR since 2015 and gave this award to British American Tobacco (BAT) from 2015 to 2020.

3. Benefits to the Industry

Pictorial health warnings introduced in 2021 remain inconsistently implemented, as not all tobacco products display the required images and outdated packaging is still available on the market. To date, no enforcement action has been taken against violators.

When the MoH issued Notification No. 435/2021 in October 2021, titled "Order relating to Standardized Packaging of, and Printing Graphics for Health Warning Images and Texts on Cigars and Tobacco Products," tobacco companies argued that compliance was not feasible due to economic and financial reasons. As a result, the MoH postponed the effective date four times, from April 2022 to October 2025.

4. Unnecessary Interaction

Since August 2020, the MoH has directed its staff to comply with guidelines on contact with the TI. Ministry officials have kept records of meetings with TI representatives. The TI frequently sought meetings in 2021 and 2024, especially to persuade the MoH to delay implementation of standardized packaging.

5. Transparency

In August 2020, the MoH issued Directive No. 91/2020, "Directive to Comply with Guidelines on Contact with Cigar and Tobacco Manufacturers, Distributors, Sellers, or Related Persons," which outlines how staff must act during interactions with the TI and its representatives to ensure transparency. Other ministries have not adopted mechanisms for disclosing meetings with the TI.



The Special Commercial Tax Law requires facilities and distribution chains to register, but it does not cover affiliated organizations or individuals acting on behalf of the TI. The IRD has not publicly disclosed the list of registered facilities and distribution chains.

6. Conflict of Interest

The government does not prohibit contributions from the TI or entities working to further its interests. While there are no publicly available records, some retired senior government officials have previously joined the TI.

7. Preventive Measures

The Ministry of Planning and Finance, through the Directorate of Investment and Company Administration, issued an Anti-Corruption Code of Ethics applying to all private companies and corporate bodies incorporated in Myanmar. However, the government does not require the TI to report on market share, marketing expenditures, revenues, lobbying, philanthropy, or political contributions. Nor are there specific guidelines compliant with Article 5.3 of the WHO FCTC for departments such as the IRD, which interacts closely with the TI on tax collection.

The MoH issued Directive No. 91/2020 to guide officials in their interactions with the TI, but broader preventive measures have not been developed.

RECOMMENDATIONS

1. Ban CSR and TAPS in line with national law.
2. Penalize the TI for non-compliance with tobacco control laws, including failure to implement pictorial health warnings or standardized packaging.
3. Prevent the TI and its representatives from attending or participating in meetings with any government entities, not only the MoH.
4. Prohibit current and retired government officials from holding consultancy positions or other roles in the TI.
5. Implement a code of conduct aligned with Article 5.3 of the WHO FCTC and develop a systematic program to raise awareness across all government departments, especially those that interact directly with the TI.
6. Require the TI to disclose information about its business, including spending on marketing and philanthropy.