
Bosnia and Herzegovina

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
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Background and Introduction

This is Bosnia and Herzegovina's first Tobacco Industry Interference Index Report. To understand the Index for Bosnia and Herzegovina, it is crucial to delve into the complexity of the country's political structure. Bosnia and Herzegovina is composed of two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska, along with the Brčko District. Due to this intricate state organization, responsibilities are divided among the state, entity, and cantonal levels. Consequently, legislative responsibilities pertaining to tobacco control are distributed across different levels of government.

Tobacco control legislation in Bosnia and Herzegovina includes laws at the state and entity levels. At the state level, tobacco taxation is regulated by the Law on Excise Duties in Bosnia and Herzegovina. Also, the Law on Tobacco of Bosnia and Herzegovina, enacted in 2010, governs the manufacturing, purchase, processing, refinement, and sale of raw tobacco leaves and tobacco products in the country. However, no specific legislation at the state level addresses issues related to the production, presentation, and sale of tobacco products in the context of public health.

In the Federation of Bosnia and Herzegovina, a new Law on the Control and Restricted Use of Tobacco, Tobacco Products, and Other Smoking Products was discussed and adopted in May 2022, with an expected implementation date of May 28, 2023. This new law is intended to bring the legislation more in line with international standards and includes measures to prohibit and restrict tobacco use, advertising, promotion, sponsorship, and access to minors.

In Republika Srpska, there are two key laws: the Law on the Ban on Smoking Tobacco Products in Public Places and the Law on the Protection of the Population from Exposure to Tobacco Smoke. These laws regulate where smoking is prohibited and permitted, with guidelines for enforcement. However, they do not fully comply with the Framework Convention on Tobacco Control, as they permit smoking in certain designated areas of public places, including restaurants.

Tobacco Industry

The main tobacco companies are British American Tobacco (BAT), Philip Morris International (PMI), and Japan Tobacco International (JTI). In 2016, BAT acquired 39.9% stake in Fabrika Duhana Sarajevo (FDS) tobacco factory for \$24.4 million (42.7 million Bosnian marka). PMI which sells Marlboro cigarettes, launched its heated tobacco product IQOS in 2019.

Front groups

In Bosnia and Herzegovina, there are several front groups and allies involved in tobacco industry interference (TI). These groups often aim to manipulate data related to tobacco illicit trade and obstruct efforts to increase tobacco taxes. Additionally, hospitality owners, represented by the Hospitality Owners Association BiH, have also attempted to influence and undermine the implementation of smoking bans, particularly in the Federation of Bosnia and Herzegovina (FBiH).

One of the prominent TI front groups in Bosnia and Herzegovina is the RS Association of Economists (SWOT). This group, along with the Centre for Policy and Governance and some individual economists, has been involved in activities that seek to distort and manipulate data regarding the tobacco illicit trade. They often present arguments against increasing tobacco taxes, claiming that it would lead to an increase in illicit trade. Such arguments serve the interests of the tobacco industry by attempting to discourage tax policies that could effectively reduce tobacco consumption.

Hospitality owners have also played a role in tobacco industry interference. They have sought to influence and undermine the implementation of smoking bans, particularly in the FBiH. These front groups often argue against smoking restrictions, claiming that it would negatively impact their businesses. By attempting to undermine smoking bans, they aim to protect their economic interests, even at the expense of public health.

These front groups and allies are part of a larger network of actors used by the tobacco industry to undermine tobacco control measures. They use various tactics, including funding research, disseminating misleading information, and employing lobbyists to influence policymakers. By shaping public opinion and political discourse, these front groups aim to weaken tobacco control policies and safeguard the interests of the tobacco industry.

Smoking prevalence

According to the available data, the smoking prevalence in Bosnia and Herzegovina is provided separately for the Federation of BiH and the Republic of Srpska. The data is based on surveys conducted by the Federal Ministry of Health and the Institute for Public Health of the Federation of BiH in 2012 and the Survey on the health status of the Republic of Srpska's citizens conducted in 2010.

For the Federation of BiH, the smoking prevalence among males indicates that 46.3% of adult males were current smokers, with 55.5% of them being daily smokers. On average, the most-consumed smoking tobacco product per day among male smokers was 14.8. Among females in the Federation of BiH, the smoking prevalence was lower, with 31.6% being current smokers and 55.8% of them being daily smokers. The average number of the most-consumed smoking tobacco product per day among female smokers was 18.2. The total smoking prevalence, combining both males and females, shows that 44.1% of the adult population were current smokers, with 55.6% of them being daily smokers. Additionally, 15.7% of the population were occasional smokers. The average number of the most-consumed smoking tobacco product per day among all smokers was 16.9.

For the Republic of Srpska, the data indicates that among males, 37.5% were current smokers, with 35.9% being daily smokers and 22.3% being former smokers. The average number of the most-consumed smoking tobacco product per day among male smokers was 20. Among females in the Republic of Srpska, 25.5% were current smokers, with 22.5% being daily smokers and 9.3% being former smokers. The average number of the most-consumed smoking tobacco product per day among female smokers was 20. Combining both males and females, the total smoking prevalence in the Republic of Srpska was 31.0%, with 28.7% being daily smokers and 15.3% being former smokers.

Highlights

1. **Industry Participation in Policy Development:** The tobacco industry has employed tactics to hinder or alter tobacco control policies in the country. This includes influencing lawmakers, introducing amendments that weaken original bills, and successfully opposing tobacco control measures. Some MPs are suspected of accepting offers or assistance from the tobacco industry, leading to weakened laws. The collaboration between the government and the tobacco industry is being investigated, and policy changes are not based on evidence or WHO FCTC guidelines.

2. **Industry CSR Activities:** The tobacco industry engages in corporate social responsibility (CSR) activities in Bosnia and Herzegovina, such as participating in campaigns and donating to pandemic relief efforts. These activities may be seen as an attempt to improve public perception while diverting attention from the harmful effects of tobacco.
3. **Benefits to the Industry:** Recent developments have benefited the tobacco industry in the country. Amendments have been accepted to postpone the implementation of smoke-free policies, and there has been a moratorium on increasing excise taxes on tobacco products. These developments favor the industry's interests and potentially undermine public health efforts.
4. **Unnecessary Interaction:** While top government officials do not attend tobacco-sponsored events or foster relations with tobacco companies, the Administration of Indirect Taxation continues a campaign supported by major tobacco companies. This suggests some level of unnecessary interaction between the government and the industry, particularly in the context of anti-smuggling efforts.
5. **Lack of Transparency:** There is a lack of transparency in the interactions between the government and the tobacco industry. Necessary interactions for regulation are not publicly disclosed, and there are no rules for disclosing or registering tobacco industry entities and their affiliates. This lack of transparency raises concerns about the integrity of the decision-making process.
6. **Conflict of Interest:** Currently, there is no policy to prohibit contributions from the tobacco industry to political parties or to require disclosure of such contributions. While there is no evidence of retired senior government officials being part of the tobacco industry, there is also no evidence of current government officials or their relatives holding positions in the tobacco business. This issue highlights the potential for conflicts of interest in tobacco control policies.
7. **Preventive Measures:** There is no procedure for disclosing government interactions with the tobacco industry in Bosnia and Herzegovina. However, the newly adopted tobacco control law in the Federation of BiH does include standards for government officials' dealings with the industry. There is a lack of awareness and policy regarding FCTC Article 5.3 Guidelines, and no program or plan to raise awareness within government departments. Furthermore, there is no policy disallowing acceptance of contributions or gifts from the tobacco industry.

These points underscore the need for increased transparency, stricter regulations, and stronger enforcement of tobacco control measures in Bosnia and Herzegovina to protect public health from the influence of the tobacco industry.

Overall score

Bosnia and Herzegovina obtained an overall score of 58 points. The overall score refers to an assessment or evaluation of the situation based on the information provided in the questionnaire. It provides an overview of the extent to which the tobacco industry's activities and influence are perceived to be problematic in Bosnia and Herzegovina.

Mitigating factors are aspects that may lessen the negative impact or influence of the tobacco industry. These factors can include policies or measures in place that restrict industry participation, transparency in government interactions, adherence to guidelines and standards, and awareness of potential conflicts of interest.

Aggravating factors, on the other hand, are aspects that contribute to the concern and negative impact of the tobacco industry's activities. These factors can include instances of successful opposition to tobacco control measures, lack of transparency, industry engagement in CSR

activities, benefits to the industry through policy changes, and potential unnecessary interaction between the industry and the government.

The overall score takes into account both the mitigating and aggravating factors to provide an assessment of the situation. A higher score would indicate a greater level of concern regarding the tobacco industry's activities and influence, while a lower score would suggest a relatively better situation with stronger measures in place to protect public health and limit industry interference. It's important to note that the overall score is based on the information available and the specific context of Bosnia and Herzegovina. It may be subject to change as new information becomes available or as the situation evolves over time.

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 the 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 the absence of evidence or not applicable. The report includes information on incidents from April 2021 to March 2023 but also includes incidents prior to March 2021 that still have relevance today.

Recommendations

In the short term, it is crucial to strengthen legislation to prevent the influence of the tobacco industry on tobacco control policies. Transparency requirements should be established for interactions between the government and the industry, while political contributions from the tobacco industry should be strictly prohibited. Addressing conflicts of interest among government officials and educating them about tobacco industry tactics are essential steps. Additionally, restrictions on accepting gifts from the industry should be put in place.

In the long term, effective tobacco control can be advanced by regulating the corporate social responsibility activities of the tobacco industry. Evidence-based tobacco control policies should be implemented to reduce smoking rates and protect public health.

Summary Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry has been employing various tactics to hinder or alter tobacco control policies in Bosnia and Herzegovina, including influencing MPs and introducing amendments that weaken the original bills. During the final voting for the Law on Control and Restricted Use of Tobacco in the Federation of BiH from March to May 2022, the tobacco industry successfully opposed the bill, resulting in significantly weakened tobacco control measures. It is suspected that some MPs accepted offers or assistance from the tobacco industry and suggested amendments that weaken the law. The government's collaboration with the tobacco industry is still being determined, but local authorities have consulted the tobacco industry in policy drafting, and the reasoning for policy changes is not based on evidence-based facts or the WHO FCTC.

There is no evidence of the tobacco industry's participation in the BiH delegation to the COP or other subsidiary bodies, and the government does not allow/invite the tobacco industry to sit in government interagency/multi-sectoral committees/advisory groups that set public

health policy. The tobacco industry's interference in the legislative process poses a threat to public health and raises concerns about the transparency and integrity of the legislative process.

2 INDUSTRY CSR ACTIVITIES

The tobacco industry engaged in CSR activities in Bosnia and Herzegovina, including participating in the "Unsmoke Sarajevo" campaign which engaged local decision-makers and donated \$100,000 to COVID-19 pandemic relief efforts to the governments on the entity level.

3 BENEFITS TO THE INDUSTRY

The tobacco industry has benefited from recent developments in Bosnia and Herzegovina. In May 2022, an amendment proposed by one of the clubs in the FBiH Parliament to postpone the implementation of smoke-free policies in public places from six months to one year was accepted and incorporated into the new tobacco control law. In addition, the BiH Council of Ministers introduced a three-year moratorium on increasing excise taxes on tobacco products in 2019, which was extended for another year in 2022.

4 UNNECESSARY INTERACTION

The evidence suggests that there is no unnecessary interaction between the Bosnian government and the tobacco industry at the highest levels, as top officials do not attend tobacco-sponsored events or foster relations with tobacco companies. However, the Administration of Indirect Taxation is continuing its "Stop the Smuggling" campaign supported by major tobacco companies like PMI, JTI, and BAT.

5 TRANSPARENCY

The evidence suggests that there is a lack of transparency in the interactions between the government and the tobacco industry in Bosnia and Herzegovina. There is no public disclosure when necessary interactions for regulation take place, and there is no rule for the disclosure or registration of tobacco industry entities and their affiliates.

6 CONFLICT OF INTEREST

In BiH there is no policy in place to prohibit contributions from the tobacco industry to political parties or to require disclosure of such contributions. There is no evidence of retired senior government officials being part of the tobacco industry, nor of current government officials or their relatives holding positions in the tobacco business.

7 PREVENTIVE MEASURES

The evidence on preventive measures suggests that there is no procedure for disclosing government interactions with the tobacco industry in BiH. However, the newly adopted law on tobacco control in FBiH does prescribe standards for government officials' dealings with the tobacco industry. The government can require the tobacco industry to submit information on production and market share, but not on lobbying or philanthropy. There is no program or plan to raise awareness of FCTC Article 5.3 Guidelines within government departments, and no policy to disallow acceptance of contributions or gifts from the tobacco industry.

Recommendations

RECOMMENDATION 1

Strengthen legislation: Establish robust regulations to prohibit industry participation in policy development, ensuring the integrity of public health policies. By creating clear and enforceable laws that explicitly prevent the tobacco industry from influencing policy development, the government can protect public health interests and prevent the dilution of effective tobacco control measures.

RECOMMENDATION 2

Enhance transparency: Implement a transparent framework that requires public disclosure of necessary interactions between the government and the tobacco industry. By establishing a transparent reporting mechanism, the government can ensure accountability and build public trust by openly disclosing any interactions with the tobacco industry, promoting transparency in decision-making processes.

RECOMMENDATION 3

Prohibit industry contributions: Enforce a complete ban on tobacco industry contributions to political parties, promoting independence and integrity in decision-making processes. By eliminating the influence of tobacco industry funding on political parties, the government can prevent conflicts of interest and uphold the principle of unbiased policy development.

RECOMMENDATION 4

Prevent conflicts of interest: Implement and enforce strict policies to prevent government officials or their relatives from holding positions in the tobacco industry, ensuring unbiased decision-making. By establishing stringent regulations and monitoring mechanisms, the government can minimize the risk of conflicts of interest and safeguard against undue industry influence on policy decisions.

RECOMMENDATION 5

Educate officials: Develop and promote awareness programs within government departments to educate officials on the WHO FCTC Article 5.3 Guidelines, reinforcing the importance of avoiding tobacco industry influence. By providing comprehensive training and awareness programs, officials can gain a better understanding of the risks associated with tobacco industry interference, enabling them to make informed decisions that prioritize public health.

RECOMMENDATION 6

Reject industry gifts: Prohibit government officials from accepting contributions or gifts from the tobacco industry, safeguarding against potential conflicts of interest. By establishing a strict code of conduct that prohibits officials from accepting any form of tobacco industry gifts or benefits, the government can maintain the integrity of its decision-making process and prevent undue influence.

RECOMMENDATION 7

Regulate CSR activities: Implement an outright ban on tobacco industry corporate social responsibility (CSR) activities, in accordance with the guidelines outlined in Article 13 of the Framework Convention on Tobacco Control (FCTC). By adopting a ban rather than mere regulation, governments can effectively prevent the industry from exploiting CSR initiatives

to promote tobacco products or create a favorable public image, which would otherwise undermine efforts toward tobacco control.

RECOMMENDATION 8

Ratify the Protocol to Eliminate Illicit Trade in Tobacco Products to enable Bosnia and Herzegovina (BiH) to discontinue collaboration with tobacco industry entities in tackling tobacco smuggling. Instead, BiH should seek direct technical assistance from countries and inter-governmental agencies specialized in combating smuggling. By ratifying the Protocol and shifting collaboration efforts, BiH can enhance its effectiveness in addressing the illicit trade in tobacco products and benefit from expertise and resources offered by relevant international entities dedicated to tackling smuggling.

Bosnia and Herzegovina

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>In May 2021, the FBiH Parliament proposed the Law on Control and Restricted Use of Tobacco, Tobacco Products, and Other Smoking Products. However, since 2017, the tobacco industry has employed various tactics to hinder or alter the policy. These tactics reportedly include exerting influence on Members of Parliament (MPs) and working with allies in the Parliament to introduce amendments that weaken the original bill.</p> <p>During the final voting for the law from March to May 2022, the tobacco industry successfully opposed the bill, and the adopted law has significantly weakened tobacco control measures in the FBiH. For example, heated tobacco products are now exempt from the indoor smoking ban, designated smoking areas are permitted in some public places, and tobacco companies can still advertise their deadly products inside any point of sale.</p> <p>It is believed that several individual MPs and groups of MPs suggested amendments that weakened the Law after accepting offers or assistance from the tobacco industry. The arguments they used to justify the amendments during parliamentary discussions were similar to those used by the tobacco industry, such as concerns about job and economic losses in the hospitality industry due to the smoking ban⁴.</p> <p>Overall, the FBiH has experienced significant tobacco industry interference in its legislative process, leading to weakened tobacco control policies. This interference raises serious concerns about the transparency and integrity of the legislative process and poses a threat to public health.</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)					4	
<p>There is no publicly available information whether any policy or legislation drafted by or in collaboration with the tobacco industry was submitted to and accepted by the government. It is therefore not possible to know the extent of the government’s collaboration with the tobacco industry. However the explanation to the Proposal of Law on Changing and Amendment the Law on Excise Duty in BiH (from June 6, 2021) mentioned “reasons for adopting suggested modifications</p>						

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

⁴Parliament of the Federation of Bosnia and Herzegovina HOUSE OF THE PEOPLE, Draft Law on the Control and Limited Use of Tobacco, Tobacco and Other Smoking Products, Accessed from <https://bit.ly/43vIZIj>

	0	1	2	3	4	5
<p>of the Law are reflected in the fact that representatives of the tobacco industry constantly, through appealing to the Board of Directors of Administration for Indirect Taxation Authority and Indirect Taxation Authority emphasized the changing the Law..." which confirms that local authorities consult tobacco industry in policy drafting.</p> <p>Additionally, the fact that the reasoning for the need to adopt the policy changes is not based on evidence-based facts or the Framework Convention on Tobacco Control (FCTC), but on arguments used by the tobacco industry such as the increased risk of illicit tobacco trade, the potential negative effects of tobacco taxation on the economy, and the supposed undermining of the health benefits of such taxation, may also suggest collaboration between the government and the tobacco industry.⁵</p>						
<p>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</p>		1				
<p>No such involvement of the tobacco industry in government public health committees is known.</p>						
<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 delegates. (i.e. COP 4 & 5, INB 4 5, WG)⁶ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'</p>		1				
<p>There is no evidence the government nominates or allows representatives from the tobacco industry in the BiH delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates.</p>						
<p>INDICATOR 2: Industry CSR activities</p>						
<p>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)</p> <p>B. The government (its agencies and officials) receives CSR contributions⁷ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>					4	
<p>A. <i>UNSMOKE Sarajevo</i></p> <ul style="list-style-type: none"> In February 2020 the two local municipalities in Sarajevo - Sarajevo Centar and Novo Sarajevo participated in PMI action "Unsmoke Sarajevo" and tree planting 						

⁵ Parliamentary Assembly of Bosnia and Herzegovina, Proposal for a Law on Amendments to the Law on Excise Duties in Bosnia and Herzegovina. Accessed from <https://bit.ly/3MywdMc> from 4.01.2019.

⁶ WHO, Please annex a list since 2009 so that the respondent can quantify the frequency, <https://bit.ly/3ORb7eV>

⁷ Political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

events. The mayor of Sarajevo Centar Municipality Mr. Nedžad Ajnadžić, the mayor of Novo Sarajevo Municipality Mr. Nedžad Koldžo, and Philip Morris General Manager for BiH and Montenegro Mr. Srdjan Lazovic participated in the event⁸. The action was widely presented in the media with a focus on the role of PMI as a socially responsible company.⁹ There is no available public information about the amount contributed by PMI.

- In December 2021, the mayors of Sarajevo, Ms. Karic and the Old City Municipality, Mr. Hadzibajrovic, announced that they had reached an agreement with Philip Morris International as part of the UNSMOKE campaign¹⁰. The initiative involved the placement of a mural in the Sarajevo city center with the slogan "UNSMOKE SARAJEVO," which was intended to be an environmentally friendly measure to improve air quality. The mural was to be created using photocatalytic paint. However, many tobacco control activists criticized the initiative as a form of greenwashing and a marketing strategy to promote PMI's IQOS product. Due to the intervention of these activists, the initiative was ultimately stopped.

- B. In May 2020 the Government of FBiH¹¹ and the Government of Republika Srpska¹² accepted a donation of 100.000 USD from Philip Morris International for COVID-19 pandemic relief. On the web page the Government of FBiH published the article endorsing PMI donation and stated: "This donation will be aimed at easier overcoming the crisis period created by the introduction of measures to fight the pandemic, which affected the everyday life of citizens, but also the business. Donations are a significant contribution to the fight against the pandemic, with the aim that as few people as possible feel its consequences, and their rehabilitation as soon as possible." and "The Government of FBiH uses this opportunity to express its gratitude to the cooperation with the business sector, and donations coming from the private sector, but also individuals." Further on the Federal headquarter for civil protection awarded PMI a written letter of thanks from civil protection for successful cooperation and contribution to the construction of the system of protection and rescue of people and material goods in the Federation of BiH¹³

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 the tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)						4
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During the final voting process for the new tobacco control law in the Federation of Bosnia and Herzegovina (FBiH) (May 2022), the Club of Croats in the House of People of the FBiH Parliament

⁸ Klix, Sarajevo joined the Unsmoke initiative with the action of planting trees. Accessed from <https://bit.ly/3C21B0F> from 25.02.2020.

⁹ Klix, Unsmoke Sarajevo: 86 trees planted along the main road for cleaner air. Accessed from <https://bit.ly/3q1kuqd> from 27.02.2020.

¹⁰ Klix, Sarajevo: At the site where the Hilton Hotel was supposed to be built, a mural will be painted that purifies the air. Accessed from <https://bit.ly/42fEv1o> from 7.12.2021.

¹¹ Government of the Federation of Bosnia and Herzegovina, Accessed from <https://bit.ly/3OFtQdc>

¹² Government of Republika Srpska, Conclusion on acceptance of donation from Philip Morris company. Accessed from <https://bit.ly/3IM89o0> from 8.05.2020.

¹³ The Federal Administration of Civil Protection, the Federal Headquarters of Civil Protection awarded awards for merits in the field of protection and rescue during 2020 | Federal Civil Protection Administration. Accessed from <https://bit.ly/43f2Llo> from 23.02.2021

	0	1	2	3	4	5
proposed an amendment to postpone the implementation of smoke-free policies in public places from a period of six months to one year, equivalent to an additional 180 days. The amendment was ultimately accepted and incorporated into the new law. ¹⁴						
7. The government gives privileges, incentives, tax exemptions, or benefits to the tobacco industry (Rec 7.3)					4	
<p>The BiH Council of Ministers introduced a three-year moratorium on increasing excise taxes on tobacco products in 2019, which was extended for another year in 2022.¹⁵</p> <p>The government allows international travelers to import duty-free 200 cigarettes or 100 cigarillos or 250 grams of tobacco into the country.¹⁶</p>						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ¹⁷) 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)	0					
No official information has been found on top-level government officials meeting with/ fostering 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.						
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)				3		
<p>The Administration of Indirect Taxation is currently continuing its implementation of the "Stop the Smuggling" campaign, which was launched in 2020 in collaboration with the Association of Economists SWOT¹⁸. It is worth noting that SWOT has a history of collaborating with the tobacco industry and lobbying for tobacco interests. From the outset, the campaign has been supported by major tobacco companies such as PMI, JTI, and BAT¹⁹, and has been used as a platform for advocating for reduced tobacco taxes by both the tobacco industry and its front groups. However, there is no publicly available information regarding the amount contributed by the tobacco industry to the campaign.</p>						
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)	0					

¹⁴ Parliament of the Federation of Bosnia and Herzegovina HOUSE OF THE PEOPLE, Amendments of the Club of Croats Accessed from <https://bit.ly/42d4Rks> from 11.02.2022.

¹⁵ Parliamentary assembly of Bosnia and Herzegovina, Proposal of the Law on Amendments to the Excise Duty Law in Bosnia and Herzegovina. Accessed from <https://bit.ly/3MywdMc> from 4.01.2019.

¹⁶ <https://bit.ly/3N36NYr>

¹⁷ Includes immediate members of the families of the high-level officials

¹⁸ Association of Economists of Republika Srpska, Tobacco. Accessed from <https://bit.ly/43gi918>

¹⁹ Nezavisne novine, Black tobacco market in Bosnia and Herzegovina exceeds 50 percent, everyone at a loss. Accessed from <https://bit.ly/3OGBF2h> from 4.09.2022.

	0	1	2	3	4	5
<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>						
No official information has been found on the government accepting, supporting, endorsing, or entering into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interest during the reporting period.						
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
The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation.						
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)						5
In BiH there is no rule for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists.						
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) 1 Never 5 Yes						5
There is no policy that prohibits contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or requires full disclosure of such contributions.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No evidence was found on retired senior government officials forming part of the tobacco industry during the reporting period.						
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					
No evidence was found on <u>current government officials</u> and their relatives holding positions in the tobacco business including consultancy positions during the reporting period.						
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

	0	1	2	3	4	5
There is no procedure or disclosing the records of the government's interaction with the tobacco industry and its representatives.						
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 the whole of the government code; 2 for Yes but partial if only MOH</i>		1				
<p>The newly adopted law on tobacco control in FBiH in its Article 31 prescribes the standards with which government officials should comply in their dealings with the tobacco industry.</p> <p>Article 31. - Relations between the Government of the Federation, other bodies and institutions of state administration, and the tobacco industry</p> <p>(1) Relations between the Government of the Federation and other bodies and institutions of state administration and the tobacco industry are limited only to those relations necessary for the effective regulation of the tobacco industry and its products.</p> <p>(2) When establishing relations with the tobacco industry, the Government of the Federation is obliged to ensure full transparency and inform the public about the nature and reasons for these relations.</p> <p>(3) Factories for the production of tobacco and tobacco products and import companies owned by the Government of the Federation must operate under the conditions and restrictions as prescribed by this law.</p> <p>(4) The Government of the Federation, bodies and institutions of state administration, as well as public institutions and political parties are not allowed to:</p> <p>a) receive a voluntary contribution of any kind from a representative of the tobacco industry, unless it comes from a legal obligation;</p> <p>b) participate in supporting, adapting or accepting agreements, memorandums of understanding, engagements with representatives of the tobacco industry that would be contrary to legally applicable tobacco control measures;</p> <p>c) involve or be involved, directly or indirectly, in initiatives, campaigns or programs financed by the tobacco industry, including programs related to tobacco control or the promotion of public health;</p> <p>d) provide support or privilege to a person or company engaged in any phase of the import or sale of tobacco products and other smoking products.</p> <p>(5) A holder of public office and candidate for public office may not, and it is considered to be in a conflict of interest, if he/she:</p> <p>a) receive contributions, gifts or privileges from representatives of the tobacco industry or</p> <p>b) otherwise is involved in the work of such societies.</p>						
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				
In accordance with the Law on Tobacco, the government may require from the tobacco industry to submit information on tobacco production, manufacture, and market share however these						

	0	1	2	3	4	5
regulations do not include information on marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions, and all other activities.						
19. The government has a program/system/ plan to consistently ²⁰ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
There needs to be a program/system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines and the Article 13 component of the new tobacco control law.						
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)						5
There is no 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.						
TOTAL SCORE						58

²⁰ 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.

1. Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	BRANDS	SOURCE
1	Philip Morris International (PMI)		
2	Japan Tobacco International (JTI)		
3	British American Tobacco (BAT)	Filter 160, Lord, Walter Wolf, Dunhill, Lucky Strike	http://www.gulftobacco.com/markets/europe/bosnia-and-herzegovina-cigarette-brands/
4	Bosnia and Herzegovina	Bosnia and Herzegovina	http://www.gulftobacco.com/markets/europe/bosnia-and-herzegovina-cigarette-brands/

	TOP MEDIA/ NEWSPAPERS	URL
1	Klix	https://www.klix.ba/
2	Avaz	https://avaz.ba/
3	Oslobodjenje	https://www.oslobodjenje.ba/
4	Slobodna Bosna	https://www.slobodna-bosna.ba/
5	Nezavisne	https://www.nezavisne.com/

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	RS Association of Economists (SWOT)	Front Group	https://swot.ba/?s=duhan
2	Centre for Policy and Governance	Front Group	https://www.pmi.com/illicit-trade-prevention/blog/prioritiziranje-legitimnih-preduze%C4%87a-kao-rje%C5%A1enje-za-sivu-ekonomiju-intervju-sa-centrom-za-politike-i-upravljanje-iz-bosne-i-hercegovine
3	Mr. Faruk Hadzic (economist)	Individual	https://liberalniforum.com/akcizne-politike-na-duhan-u-bosni-i-hercegovini/
4	Mr. Amir Hadzic (representative of Hospitality Owners Association)	Individual	https://avaz.ba/vijesti/bih/785379/mn-ogi-prinudeni-staviti-kljuc-u-bravu-hotelijeri-na-koljenima