
México

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

México

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>President Andrés Manuel López Obrador and Undersecretary of Prevention and Health Promotion Dr. Hugo López-Gatell have driven the current advances in the issue of tobacco control in Mexico, specifically supporting the reform of the General Law for Tobacco Control (LGCT) and its Regulations in Smoke-free and emission-free spaces and a total ban on advertising, promotion and sponsorship. ⁴ In addition to joining efforts to strengthen the prohibition of new tobacco and nicotine products.⁵</p> <p>However, the adoption of the reform of the LGCT in the Republic was delayed several times. At a press conference, Dr. López-Gatell mentioned that it was Senator Juan Manuel Fócil, who presented a reservation against the reform. The Undersecretary also mentioned that while this process was taking place, industry lobbyists were hanging around the Chamber.⁶</p> <p>In response to López-Gatell's statement, Senator Fócil denied having negotiated with Philip Morris, and said he did not know if industry lobbyists had gone, but he did say that:⁷</p> <p style="padding-left: 40px;">"When there is a law that affects the interests of companies, that affects the interests of government institutions, they come to lobby, whether they are government or private companies, and they are in their total right, to be able to do so, when their interests are affected, it is nothing irregular, it is nothing illegal, it is nothing out of the ordinary."</p> <p>This shows a total ignorance of the WHO FCTC and its Guidelines on Article 5.3.</p> <p>Despite the adversities, the law was approved that same December 2021, and published on February 17, 2022. In July 2022, during the regulatory process, civil society organizations warned of possible interference by tobacco companies due to obstacles presented by the National Commission for Regulatory Improvement (CONAMER) for the regulation to be published. The tobacco companies lobbied so hard that presumably for this reason on July 21, CONAMER sent a request for extensions</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

⁴ Ministry of Health (December 20, 2022). *Press release: Mexico has advanced regulations for tobacco control*. Ministry of Health. <https://www.gob.mx/salud/prensa/mexico-cuenta-con-avanzado-reglamento-para-el-control-de-tabaco?idiom=es>.

⁵ [Andrés Manuel López Obrador] (May 31, 2022). *Signing of Decree prohibiting the sale of vapers and electronic cigarettes*. Conference President AMLO. <https://www.youtube.com/watch?v=EzcQK9QRco8>.

⁶ [Salud Justa Mx] (May 9, 2022). *Documentary Interests Behind the Smoke*. [DOCUMENTARY INTERESTS BEHIND THE SMOKE - YouTube](#).

⁷ Olmos, Andrew. (December 14, 2021). *Did Fócil negotiate with Philip Morris to regularize the vapers in Mexico?*. XeVT 104. IFM. [Did Fócil negotiate with Philips Morris to regularize vapers in Mexico? Here is your version \(xevt.com\)](#)

| | 0 | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|---|
| and corrections to the regulatory impact analysis of the decree to reform the regulation. ⁸ In October, Dr. Gatell mentioned at a press conference that "external pressures on the government would be behind CONAMER's actions and said that this dependency of the Ministry of Health had taken an unusually long time for the public consultation process. ⁹ In November, civil society organizations again accused CONAMER of obstructing the progress of policies and halting the process of publishing the regulations, which benefited the industry that postponed the approval. Finally, the decree reforming the regulation was published on December 16, 2022, almost ten months after the publication of the law. ¹⁰ | | | | | | |
| 2. The government accepts, supports or endorses <u>policies or legislation drafted by or in collaboration with the tobacco industry.</u> (Rec 3.4) | | | | | 4 | |
| <p>In July 2021, Deputy Sergio Barrera Sepúlveda (Bicameral Parliament), posted on his Twitter account several images at the Philip Morris facilities with the caption "rest assured that I will be your ally in the Congress of the Union", a promise that would be fulfilled on November 17, 2021 when his lax reform initiative that allows the commercialization of electronic cigarettes is published.¹¹</p> <p>In an interview with El Financiero TV, the Deputy said "we have to legislate for practically all people, we are not in favor of one or the other [...] We will create an open parliament where we will invite different parties to know about the whole market, all the opinions and on that we will create this regulatory framework".¹²</p> <p>In the explanatory statement of the initiative promoted by Deputy Barrera, presented on November 17, 2021, it is clear that its intention objective is to create a regulatory and specific framework that allows reconciling three fundamental axes: 1. The health of the population. 2. Respect for the Human Right of free development of the personality of device users. 3. Give the market its edge. It is doubtful the first objective can be achieved because the second objective seeks to focus respect only the freedom of the users of these devices, and not the population in general. The third objective is revealing, because it will give certainty to the market, that is, assist companies to grow their business. It won't protect the population, nor inform the population but will result in guidelines for production, sale, distribution, etc. to companies.¹³</p> <p>On March 28, 2023, Deputy Sergio Barrera presented another initiative to reform various provisions of the General Health Law and the General Law for Tobacco Control. It again seeks to open the market for Electronic Nicotine Delivery Systems (electronic cigarettes), Alternative Nicotine Consumption Systems (heated tobacco products) and Similar Systems Without Nicotine, which would benefit the two main tobacco companies in Mexico. Although operational requirements are foreseen for the systems, limit of ingredients, procedures for sale, distribution</p> | | | | | | |

⁸ (September 14, 2022). *Do not give in to pressure from tobacco companies on the LGCT Regulation! Organizations ask CONAMER. Fair Health.* [DO NOT GIVE IN TO PRESSURE FROM TOBACCO COMPANIES ON THE LGCT REGULATIONS! ORGANIZATIONS ASK CONAMER - Salud Justa](#)

⁹ Flores, Nancy (October 18, 2022). *Conamer has prevented tobacco regulation in Mexico, Lopez reveals-Gatell.* COUNTERLINE. <https://contralinea.com.mx/interno/semana/conamer-ha-impedido-regulacion-de-tabaco-en-mexico-revela-lopez-gatell/>.

¹⁰ Ministry of the Interior (December 16, 2022). *DECREE reforming, adding and repealing various provisions of the Regulation of the General Law for Tobacco Control. Official Journal of the Federation.* [DOF - Official Journal of the Federation.](#)

¹¹ Citizen platform against conflict of interest. *Deputy Sergio Barrera Sepúlveda.* [Fichas casos No cost 1.pdf \(contraconflictoeinteres.org\).](#)

¹² [El Financiero TV] (December 2, 2021). <https://twitter.com/ElFinancieroTv/status/1466540353113268228>.

¹³ Chamber of Deputies. *INITIATIVE WITH DRAFT DECREE AMENDING AND ADDING VARIOUS PROVISIONS OF THE GENERAL HEALTH LAW, GENERAL LAW FOR TOBACCO CONTROL AND THE LAW ON THE SPECIAL TAX ON PRODUCTION AND SERVICES BY THE DEPUTIES OF THE GROUP PARLIAMENTARY OF MOVEMENT CITIZEN.* http://sil.gobernacion.gob.mx/Archivos/Documentos/2021/11/asun_4262600_20211117_1637174409.pdf

| | 0 | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| <p>and marketing,¹⁴ it annuls the presidential decree prohibiting the circulation and marketing of new tobacco products signed and published on May 31, 2022, as well as the provisions of the Law on General Import and Export Taxes, published in the Official Gazette of the Federation on June 7, 2022, which prohibits the import and export of electronic and alternative systems, as well as their components.</p> <p>The last time the Deputy spoke in favor of this initiative was on April 12, 2023 accompanied by Deputy Salomón Chertorivski and Deputy Éctor Jaime Ramírez Barba, mentioning the slogan "forbidden to prohibit" alluding to the pro-vaping Twitter account @ProProhibir "Forbidden to prohibit" that seeking a regulation of new products has reused the motto of the president of the republic.¹⁵</p> <p>As of March 2023, initiatives in favour of lax regulation of new products have not been approved. Consequently, the prohibition of marketing, import, export, etc. it keeps.</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)</p> | | | | | | 5 |
| <p>The government does not allow/invite the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy.</p> <p>The Ministry of Health continues to implement its document forms for non-conflict of interest in their meetings to prohibit the participation of the tobacco industry. In 2022, through the initiative of Salud Justa, in a project with STOP, it was agreed that in each conference and forum, the non-conflict of interest of the participants is signed and declared.</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)¹⁶ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.</p> | | 1 | | | | |
| <p>The Mexican delegation that participated in COP 9 was made up of representatives of the Ministry of Health:¹⁷ Undersecretariat of Prevention and Health Promotion, the General Directorate of International Relations, the Federal Commission for the Protection against Sanitary Risks (Cofepris), the National Institute of Public Health (INSP) and the National Commission against Addictions (Conadic).</p> <p>And representatives of the Secretariats of Foreign Affairs (SRE), Economy (SE) and Finance and Public Credit (SHCP) through the Tax Administration Service (SAT) and the Financial Intelligence Unit (UIF) also attended.</p> <p>The government does not allow tobacco industry representatives or allies to participate in the</p> | | | | | | |

¹⁴ Legislative Information System, Initiative with draft decree amending and adding various provisions of the General Health Law and the General Law for Tobacco Control, by Deputy Sergio Barrera Sepúlveda, of the Parliamentary Group of Movimiento Ciudadano, Mexico, March 28, 2023, available at

http://sil.gobernacion.gob.mx/Archivos/Documentos/2023/03/asun_4526255_20230328_1679590069.pdf

¹⁵ [Chamber of Deputies] (April 12, 2023). Press conference of Dip. Sergio Barrera Sepúlveda (MC).

https://www.youtube.com/watch?v=IA9VV4_VP9WM.

¹⁶ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

¹⁷ Ministry of Health. Press Release 527. Mexico sets position in IX Conference of the Parties to the WHO Framework Convention on Tobacco Control. <https://www.gob.mx/salud/prensa/527-mexico-fija-postura-en-ix-conferencia-de-las-partes-del-convenio-marco-de-la-oms-para-el-control-del-tabaco>

| | 0 | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| official Mexican delegation to the COP. | | | | | | |

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 ¹⁸ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4) | | | | 3 | | |
| NOTE: exclude enforcement activities as this is covered in another question | | | | | | |

In 2021, Philip Morris Mexico boasted of having obtained the Carbon Neutral Declaration certificate at its plant in Zapopan, Jalisco. Since 2019 it had partnered with the local company Ecofilter with the aim of "reducing" its waste through a biotechnological treatment of cellulose acetate, and in 2021 they jointly inaugurated the first factory worldwide that processes cigarette butts (and IQOS Heets) in an industrialized and "biodegradable" way. This mill processes 300 tons of pulp per year.¹⁹

The PMM 2021 sustainability report highlights the following as results of the PMM-EcoFilter alliance:²⁰

- 134 cigarette butt collection events in several states of the country.
- 300 containers installed in conjunction with local governments.
- 3 *ploggings* with the Ministry of the Environment of Mexico City.
- Organization of the "Colillaton stay at home" where for each kilo of cigarette butts a tree was donated to reforest the Pico de Orizaba. In the end they decided to give twice as many trees and in total 200 trees were donated:
- Two Colillatones were performed at the music festivals: Corona Capital and Flow Fest.

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) | | 1 | | | | |
|--|--|---|--|--|--|--|

No records were found of requests to delay enforcement or postpone tobacco control regulations.

On February 17, 2022, the *Decree amending, adding and repealing various provisions of the General Law for Tobacco Control*, which includes new provisions for compliance with articles 8 and 13 of the FCTC, was published in the Official Gazette of the Federation. This reform entered into force the day after its publication, although for the establishment of smoke-free and emission-free environments it gave a period of no more than 60 days.²¹

¹⁸ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

¹⁹ Philip Morris Mexico (2021). *Transforming towards a smoke-free future. Sustainability Report 2021*. P.22.

[Maqueta Philip M 2021_V7.pdf - Google Drive](#).

²⁰ Ibid., p.23.

²¹ Congress of the Union, *General Law for Tobacco Control* (current), Mexico, 2022, available at <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGCT.pdf>

| | 0 | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|---|
| For its part, with the most recent amendment to the Regulations of the General Law for Tobacco Control, according to the <i>decree that reforms, adds and repeals various provisions of the Regulation of the General Law for Tobacco Control</i> , published in the Official Gazette of the Federation on December 16, 2022, A period of 30 calendar days is foreseen for the entry into force. ²² | | | | | | |
| Regarding fiscal policy, specific taxes on manufactured tobacco were increased on November 19, 2010. As of the update policy approved in 2019 according to inflation, the quotas have been modified on December 24, 2019, December 24, 2020, December 23, 2021 and December 28, 2022. The entry into force is a few days later. ²³ | | | | | | |
| Finally, the Law on General Import and Export Taxes, published in the Official Gazette of the Federation on June 7, 2022, which prohibits the import and export of electronic cigarettes and heated tobacco products, as well as their components, was foreseen an entry into force ten business days following that determined by the Tax Administration Service, after the period of 180 days following its publication where the systems used in foreign trade operations are determined. ²⁴ | | | | | | |
| 7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3) | | | 2 | | | |
| The government of Mexico, specifically the Ministry of Finance and the Tax Administration Service, continue to implement security codes for printing on packs, cases, packaging, wrappers or any other object containing cigars or other manufactured tobaccos for sale in the country, provided by Philip Morris Mexico. This is in accordance with articles 86-G, 86-H, 108, 109, 110, 112, sections I and III of the Federal Tax Code; article 19, section XXII of the Law on the Special Tax on Production and Services; article 53-I of the Federal Law on Rights; as well as Rules 2.1.37, 5.2.29, 5.2.30 and 5.2.32 of the Miscellaneous Tax Resolution (RMF). The government allows international travellers to duty-free import 200 cigarettes or 50 cigars or 200 grams of pipe tobacco into the country. ²⁵ | | | | | | |
| INDICATOR 4: Forms of Unnecessary Interaction | | | | | | |
| 8. Top level government officials (such as President/ Prime Minister or Minister ²⁶) 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 interactions of high-level government officials (President, Prime Minister or Secretaries) meeting with the tobacco industry were recorded. | | | | | | |
| 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 | | | | | 4 | |

²² Decree amending, adding and repealing various provisions of the Regulations of the General Law for Tobacco Control, Official Journal of the Federation, December 16, 2022, available at

https://www.dof.gob.mx/nota_detalle.php?codigo=5674791&fecha=16/12/2022#gsc.tab=0

²³ Congress of the Union, *Law on the Special Tax on Production and Services*, Official Journal of the Federation, November 12, 2021, available at <https://www.diputados.gob.mx/LeyesBiblio/pdf/LIEPS.pdf>

²⁴ Congress of the Union, *Law on General Import and Export Taxes*, Official Journal of the Federation, 7 June 2022, available at https://www.diputados.gob.mx/LeyesBiblio/pdf/LIGIE_2022.pdf

²⁵ See Mexico Customs, Currency & Airport Tax regulations details (may 2023), available in

<https://www.iatatravelcentre.com/MX-Mexico-customs-currency-airport-tax-regulations-details.htm#Import%20regulations>

²⁶ Includes immediate members of the families of the high-level officials

| | 0 | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| minors. (including monetary contribution for these activities) (Rec 4.3) | | | | | | |
| <p>The government of Mexico, specifically the Ministry of Finance and the Tax Administration Service continue to implement security codes for printing on packs, cases, packaging, wrappers or any other object containing cigars or other manufactured tobaccos for sale in the country, provided by Philip Morris Mexico. This is in accordance with articles 86-G, 86-H, 108, 109, 110, 112, sections I and III of the Federal Tax Code; article 19, section XXII of the Law on the Special Tax on Production and Services; article 53-I of the Federal Law on Rights; as well as Rules 2.1.37, 5.2.29, 5.2.30 and 5.2.32 of the Miscellaneous Tax Resolution (RMF).</p> <p>In its <i>2021 Sustainability Report</i>, presented in January 2023, Philip Morris Mexico reports having worked with the main illicit trade control agencies (the Tax Administration Service or SAT, the National Customs Agency of Mexico or ANAM, the Attorney General's Office and the Mexican Institute of Industrial Property, specifically to:</p> <ol style="list-style-type: none"> 1. Provide technical training to more than 400 officers from the 49 customs offices to identify illegal cigarettes to personnel assigned to government control agencies. 2. Generate intelligence on the supply chain of illegal cigarettes. 3. Develop communication campaigns to prevent and raise awareness among merchants and consumers about the risks of consuming this type of cigarettes. 4. Support the actions carried out by control agencies in the seizure and destruction of illegal cigarettes. They presume to secure more than 125 million illegal cigarettes and participate in three destruction events in Baja California, Jalisco and Nuevo León.²⁷ | | | | | | |
| 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> | | | | 3 | | |
| <p>As of March 9, 2023, Philip Morris remained among the companies enrolled in the Youth Building the Future program, a federal government platform coordinated by the Ministry of Labor that seeks to obtain temporary employment for young people with federal resources..²⁸</p> | | | | | | |
| 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 | | |
| <p>There is no obligation under current legislation for the government to disclose interactions with the tobacco industry or its allies. However, the Ministry of Health remains very attentive to compliance with the FCTC and the Guidelines of Article 5.3. Now, even the Ministry of Economy maintains greater vigilance to avoid unnecessary interactions with the industry.</p> | | | | | | |

²⁷ Philip Morris Mexico, *Transforming us towards a smoke-free future. Sustainability Report 2021*, Mexico, January 2023, available at https://drive.google.com/file/d/1tvTfbTbtZOhmrq_Av4ja--zrt_gehXrn/view

²⁸ (March 9, 2023). *Companies Registered in Youth Building the Future 2023*. Scholarship. <https://becados.com.mx/empresas-dadas-de-alta-en-jovenes-construyendo-el-futuro/>.

| | 0 | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|---|
| 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) | | | | 3 | | |
| <p>The information on the registration of lobbyists in the Congress of the Union is updated until 2022, differentiated by natural and legal persons, as well as available at:</p> <ol style="list-style-type: none"> https://www.senado.gob.mx/65/padron_de_cabilderos https://www.diputados.gob.mx/cabilderos/inicio.htm <p>Accreditation is optional, because there are legislators who receive lobbyists who are not necessarily registered.</p> | | | | | | |
| 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) / Never 5 Yes | | | | | | 5 |
| <p>The General Law on Electoral Institutions and Procedures, with a latest reform published in the Official Gazette of the Federation on March 2, 2023, does not prohibit contributions from the tobacco industry (see https://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPE.pdf).</p> | | | | | | |
| 14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4) | 0 | | | | | |
| <p>No evidence found on retired senior government officials form part of the tobacco industry during the reporting period.</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>Shirley Almaguer continues to be the Manager of Institutional Relations at British American Tobacco Mexico²⁹ and is the daughter of Deputy Yeidckol Polevnsky Gurwitz.³⁰ Both, along with other legislators such as Éctor Jaime Ramírez Barba and Sergio Barrera Sepúlveda, promoted the First Latin American Forum "Nicotine and Risk Reduction. Science, regulation and activism", organized on March 6, 2023 at the Hotel Marquis Reforma. Deputy Emmanuel Reyes Carmona, president of the Health Commission in the Chamber of Deputies, participated in this forum, who publicly thanked the organization of Yeidckol and Shirley to open the debate towards the regulation of new products.³¹</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) | | | | 3 | | |
| <p>Currently, thanks to due compliance with Article 5.3 of the FCTC, there are no interactions between industry and the Ministry of Health.</p> | | | | | | |

²⁹ <https://mx.linkedin.com/in/shirley-almaguer-8b667768>

³⁰ Legislative Information System. http://sil.gobernacion.gob.mx/Librerias/pp_PerfillLegislador.php?Referencia=9228035.

³¹ <https://twitter.com/emmanuelreyesc/status/1632951247807365122?s=48&t=bYjv6zKHWhlwdCmcE6CTEw>, intervention available in <https://www.youtube.com/watch?v=emlacyqOFh0> and <https://www.youtube.com/watch?v=fGfwQjHZ75E>

| | 0 | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|-----------|
| President Andrés Manuel López Obrador has given instructions to the Ministry of Health to protect the right to health, including being attentive to conflicts of interest of tobacco companies in judiciary resolutions. ³² | | | | | | |
| 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> | | | | 3 | | |
| The Ministry of Health drafted a Code of Conduct for Public Servants, which would establish certain criteria to avoid interactions with the tobacco industry. However, this code has not been approved for the Secretariat itself, much less has it been implemented by other institutions of the Federal Executive. | | | | | | |
| 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) | | | | | | 5 |
| There are no mandatory information requirements, although indicators on cigar production, imports, exports, taxes, can be prepared based on information from the National Institute of Statistics and Geographic Information (INEGI) and the Ministry of Finance. Information about marketing expenses or profits, lobbying and philanthropy is not known and is not reported. | | | | | | |
| 19. The government has a program / system/ plan to consistently ³³ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2) | | | | 2 | | |
| It does not exist, although the Ministry of Health has adopted it internally and has proposed it with other agencies. | | | | | | |
| 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 | | |
| There are mandatory provisions in the Code of Ethics for Public Servants of the Federal Government to avoid conflicts of interest throughout the government of the republic and to avoid any contribution or donation from individuals. ³⁴ However, the sanctions do not seem clear, which has weakened their application. | | | | | | |
| TOTAL | | | | | | 57 |

³² Press conference of the President of the Republic (reviewed by Salud Justa), May 26, 2023, available at <https://www.youtube.com/watch?v=85IFee96LZs>

³³ 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.

³⁴ see https://dof.gob.mx/nota_detalle.php?code=5549577&fecha=05/02/201