

Peru



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Law No. 32159 has established the prohibition of industry participation in the development and implementation of policies related to the control of tobacco, nicotine, or their substitutes. Any interaction between the tobacco industry (TI) and the State must be conducted in accordance with the guidelines set forth in Article 5.3 of the WHO FCTC. This achievement was realized despite significant TI interference during the two-year legislative process leading to the law's enactment by Congress.

The TI has not participated in any sessions of the Conference of the Parties (COP) or the Meeting of the Parties (MOP). Notably, the delegations to COP10 and MOP3 included civil society representatives not affiliated with the TI.

2. Industry CSR Activities

During the evaluation period, no corporate social responsibility (CSR) activities, government support, or partnerships established by the TI were identified. No financial contributions or publicly disclosed donations from the TI were recorded either, nor were any benefits granted during the pandemic.

3. Benefits to the Industry

The timeframe granted for the adjustment of packaging can extend up to two years from the publication of the regulation, in contrast to the repealed law, which allowed 180 days (six months) from the law's publication. Although there are no official tax exemptions for tobacco, and the Selective

Consumption Tax (ISC) has continued to be updated annually, in 2023, its update was delayed due to TI pressure.

The TI seeks to undermine tax policies through legislative initiatives aimed at transferring the authority to set the ISC on tobacco products from the Ministry of Economy to Congress. Additionally, it promotes bills that impose negligible taxes on the liquid solutions used in electronic cigarettes.

4. Unnecessary Interaction

There is no publicly available information regarding meetings between the TI and high-level government officials. The recently enacted Law No. 32159 explicitly prohibits the TI's involvement in the formulation and implementation of tobacco, nicotine, or related substitute control policies.

While the TI participates in the Working Group against the Illicit Trade of Cigarettes convened by the Ministry of Production, there is no public information available concerning enforcement operations against smuggling or formal partnerships between the government and the TI.

5. Transparency

Transparency in meetings between authorities was not guaranteed during the validity of Law No. 28705, however, it has been regulated under Law No. 32159 since November 2024. Prior to the enactment of the new law, no specific regulations were in place, and the TI took advantage of this gap to intervene in Congress to weaken public health measures during the legislative process leading to the adoption of Law No. 32159.



6. Conflict of Interest

The Political Organizations Law has recently been amended to permit political parties to receive private funding from companies. There is no public or known information regarding former public officials being employed by the TI or TI employees working within the public sector.

7. Preventive Measures

Although TI interference is regulated under the new law, the mechanism for the government to request periodic information from the TI regarding tobacco production has not been implemented yet.

RECOMMENDATIONS

1. Promote the prompt enactment of the regulation of Law No. 32159, incorporating contributions from civil society free from conflicts of interest, to enhance the law's measures, particularly those related to preventing TI interference.
2. Update the various departments on the scope of Law No. 32159 and the guidelines of Article 5.3 of the WHO FCTC, and raise awareness about the various forms of TI interference using tools such as the Tobacco Industry Interference Index.
3. Establish a registry of TI lobbyists, civil associations with conflicts of interest, and former industry executives, with the objective of preventing their participation in the development and implementation of tobacco control policies, as well as in the monitoring of compliance with the law.
4. Prohibit the TI from participating in tobacco control working groups or committees, as well as in policy developments and operations related to tackling smuggling of cigarettes and nicotine products.
5. Promote tax increases on tobacco and nicotine products, and refrain from granting any tax concessions to tobacco and nicotine.
6. Establish mechanisms to obtain information on the TI, including cultivation, importation, exportation, production, manufacturing, and marketing. Require disclosure of lobbying, political contributions, philanthropy, and other activities related to tobacco and nicotine products.