

China

Overall score:

73

I. Industry participation in policy development:

Policy on cigarette pack labelling is specifically entrusted to the State Tobacco Monopoly Administration (STMA) by the Law of the People's Republic of China on Tobacco Monopoly. In 2016, the STMA and General Administration of Quality Supervision, Inspection and Quarantine (GAQSIQ) jointly issued the "Rules on Cigarette Package Labeling" which is not a major improvement on the health warning. There was no provision to convert the text warning to pictorial warnings; the text-only warning was retained with minor changes to the text warning such as the font size and color of the text warnings. There was also interference from the tobacco industry on smoke-free legislation which led to the stalling in the passage of the National Smoke-free law.

China's delegation to the eighth session of the Conference of the Parties (COP8) in 2018 included representatives from an "Inter-Ministerial Coordination Leading Group on the Implementation of the FCTC", and the tobacco industry representatives participated under this Group.

II. Tobacco industry-related CSR activities: The tobacco industry has a long history of conducting CSR activities in China and is actively involved in activities in poverty alleviation, environmental protection, education (student aid), and disasters relief. On the STMA website, "Public Welfare" appears as a special section.

The National Bureau issued guidelines on the creation of a 'civilized smoking environment' to help establish "beautiful China" through a three-step approach over the next five years to satisfy the government and the people with a positive influence of 'civilized smoking environment'.

III. Benefits given to the tobacco industry: In 2017, the Ministry of Agriculture and the Ministry of

Finance jointly issued the "2017 Key Policies on Strengthening Farmers and Benefiting Agriculture" which enabled the STMA and the China National Tobacco Corporation (CNTC) to implement their own subsidy policies targeting local farmers and tobacco planting, agricultural machinery purchases, technical training, and tobacco loans. The Office of the STMA implemented the Special Subsidy Policy for Tobacco Leaf Reduction Areas. This subsidy policy is granted as a poverty alleviation program.

International travellers can bring 400 cigarette sticks, or 100 individual cigars, or 500 grams of smoking tobacco into Beijing.

IV. Unnecessary interaction with the tobacco industry:

National-level leaders in the past, such as President, Chairman of National People's Congress, Chairman of National People's Political Consultative Conference have shown support for the development of Chinese tobacco industry and have visited various Chinese tobacco companies to inspect the facilities.

One of the main obligations for STMA and CNTC is to conduct raids on smuggling and counterfeit cigarettes, as well as supervise sales to minors. To fulfill such duties, the STMA needs to collaborate with other government departments, especially Customs, the Ministry of Public Security, industrial and commercial administration.

Several MOUs have been signed that establish partnerships between the tobacco industry and various government departments such as Ministry of Agriculture to investigate in Hunan Xiangxi Poverty Alleviation point by the Provincial Tobacco Bureau (Company), the Fujian Provincial Tobacco Bureau and the Provincial Public Security Department on the "Four Mechanisms" to Combat Economic Crimes.

V. Procedure for transparency measures: During the drafting of the "Regulations on Smoking Control in Public Places" opinions were solicited from stakeholders including the tobacco industry, resulting in extensive changes in the final draft, which did not meet the requirements of the WHO FCTC. Requests for specific details of these comments by public health groups were not publicised, and no tobacco control experts were invited to attend any of the stakeholder dialogue meetings.

VI. Avoiding conflicts of interest: Little information on conflict of interests is publicly available. Before 2018, the director of STMA, Zhang Jianmin, held multiple positions in public office; he was the member of the Standing Committee and Party Committee of the Inner Mongolia Autonomous Region, the executive Vice President of the Autonomous Region, Deputy Secretary of the Party Group of the Government, and the Dean of the Inner Mongolia School of Administration.

STMA is a government department comprised of the same team members as the CNTC. The public is aware of tobacco industry's "nepotism" in employment. Many public officials will not be opposed to their family members and relatives working for the tobacco industry as it is seen to provide stability in career.

In 2016, the central government (Central Inspection Team) conducted an anti-corruption campaign within the tobacco industry, which resulted in a series of internal awareness programs and transfers to address corruption.

VII. Preventive measures: There are provisions in the anti-corruption law which prohibit the acceptance of funds or gifts, and it is mainly conducted within the tobacco system (both the government and the companies).

On disclosure of information, as a government department, STMA and its local branches have internal rules to publicize information. In addition, the "Regulation of the People's Republic of China on the Disclosure of Government Information" also requires the government to disclose information to the public. However, these measures are part of the public and/or internal management tool of the Chinese bureaucracy and are not specific to tobacco control.

There are no known programs to increase awareness of Article 5.3 among government departments.

Recommendations

To fulfil obligations under the WHO FCTC to reduce tobacco use, the government must do the following:

1. State-owned enterprise, CNTC and the STMA, must be treated like any other tobacco company. To prevent the industry from having a direct role in tobacco control policy-making, a "firewall" between the industry and tobacco control policy must be established. STMA should be removed from having any regulatory responsibility for tobacco control policy.
2. Tobacco industry sponsored CSR activities must be banned.
3. Representatives of the tobacco industry should not form part of delegations to any meetings of the Conference of the Parties and its subsidiary bodies.
4. A code of conduct based on Article 5.3 guidelines will provide a procedure for government officials when dealing with the tobacco industry.
5. The National Health Commission (NHC) as Chair of the Inter-Ministerial Leading Group on WHO FCTC Implementation must actively promote tobacco control and utilise the opportunity to strengthen policies.