

BOLIVIA

2021

TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX

## Foreword

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The Interamerican Heart Foundation Bolivia (FIC Bolivia), participated for the first time in the Tobacco Interference Index, following the methodology proposed by SEATCA I, making this result comparable with other countries in the world.

FIC Bolivia, is a non-profit organization, with an extensive experience in the generation, implementation and monitoring of Tobacco Control public policies in the country. Being the only Non Profit Organization who works on the issue, has closely collaborated in the construction and approval of the “Prevention and Control of the consumption of tobacco products Law, N° 1280”.<sup>2</sup> Likewise, and with the aim of joining forces, has conformed the “Bolivia free without Tobacco Alliance”, which to date evolves and is renamed “Alliance for the health”, being composed of more than 25 civil society organizations of diverse nature, platform that is implementing several mechanisms of political and public incidence for tobacco control and other non-communicable disease (NCDs).

Actually, at the invitation of the Ministry of Health and Sports, FIC Bolivia actively participates at the technical tables established by this Institution, where are working in the Regulation to the 1280 Law, jointly with Pan American Health Organization – PAHO, and other civil society organizations.

To achieve the objective of research about to “define the measures and factors that increases the tobacco industry interference in the elaboration of public policies”, FIC Bolivia formed a multidisciplinary team composed by health-care workers, lawyers, social communicators with experience in health and tobacco investigation.

### **Historical review about tobacco national regulation**

The first attempts of regulation about tobacco products in Bolivia, comes from 1978, when is approved the Health Code in July 18<sup>th</sup>. This Law signed with the number N° 15629, its 123 determines: “The Authority of Health is the only empowered to regulate all the aspects in defense of population health, in relation to tobacco in all different ways of presentation and sale”. Later, In March 15, 1982 in approved the Supreme Decree N° 18886 “Pharmacies and Laboratories Regulation”, where its only article approved 32 specific regulations, including the named “Tobacco Use”<sup>3</sup>.

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<sup>1</sup> The Southeast Asian Tobacco Control Alliance (SEATCA) is a multisectoral alliance created to support the countries of the Association of Southeast Asian Nations (ASEAN) in developing and implementation of efficient tobacco control policies. <https://seatca.org/>

<sup>2</sup> Approved on February 13, 2020. Document available online: <https://bit.ly/35nluz9>

<sup>3</sup> Supreme Decree No. 18886 approved on March 15, 1982. Taken from: <https://bit.ly/3gpLKz8>

In May 15, 2003, is approved the Decree Supreme N° 27053<sup>4</sup>, where implements the health warnings in tobacco products, moreover regulate advertising and sponsorship by the tobacco industry.

Later, Bolivia enacted the Law N° 3029 in April 06, 2005<sup>5</sup> that approves the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) adopted in May 21,2003<sup>6</sup>. Bolivia signed the framework in February 27, 2004 and ratified in September 15, 2005<sup>7</sup>.

The aforementioned Law, but mainly its Regulatory Decree No. 29376<sup>8</sup>, specifically regulates the consumption, sale, advertising, promotion and sponsorship of tobacco products.

Finally, in February 13, 2020 was promulgated the “Prevention and Control of the consumption of tobacco products Law, N° 1280”, same as to date, does not counts with the regulatory Supreme Decree.

### **Production, industrialization and sale of tobacco in Bolivia**

The valleys of the Department (State) are constituted the main zone of tobacco growers. Places<sup>9</sup> like Mairana, Pampa Grande, el Trigal, Toco, Matara, El Valle Alto, Bermejo, Chilon, Comarapa hasta Posoras de Abra de Ine and Moromoro, still being traditional zones of production.

Actually, the Tobacco Industrial Company S.A. (CITSA), is the only national company that produces cigarettes 84 years ago<sup>10</sup>, and also has the license to import international trademarks from Philip Morris.

**Table I: Trademarks produced and imported by CITSA in Bolivia**

<b>CITSA Proprietary Trademarks<sup>11</sup></b>	<b>Trademarks produced under license from Philip Morris</b>	<b>Trademarks imported by CITSA</b>
Derby	L&M	Marlboro
Casino	Big Ben	
Astoria		
Camba		

<sup>4</sup> Supreme Decree No. 27053, May 26, 2003. Taken from: <https://bit.ly/35IYNcC>

<sup>5</sup> Law No. 3029 on “Ratification of the Framework Agreement for Tobacco Control”, approved on April 22, 2005. Taken from: <https://bit.ly/3iHpBh5>

<sup>6</sup> Take from: <https://bit.ly/3iKGbNi>

<sup>7</sup> Take from: <https://bit.ly/3zsyLYZ>

<sup>8</sup> Supreme Decree No. 29376 approved on December 12, 2007. Taken from: <https://bit.ly/3pWeuCy>

<sup>9</sup> Fiorilo B., Garcia G. (2000). Degree thesis "Contribution of the tobacco industry to the national economy". University of San Andres. La Paz, Bolivia. Available online: <https://bit.ly/3wAnm3y>

<sup>10</sup> Take from: <https://bit.ly/3gqXnVWw>

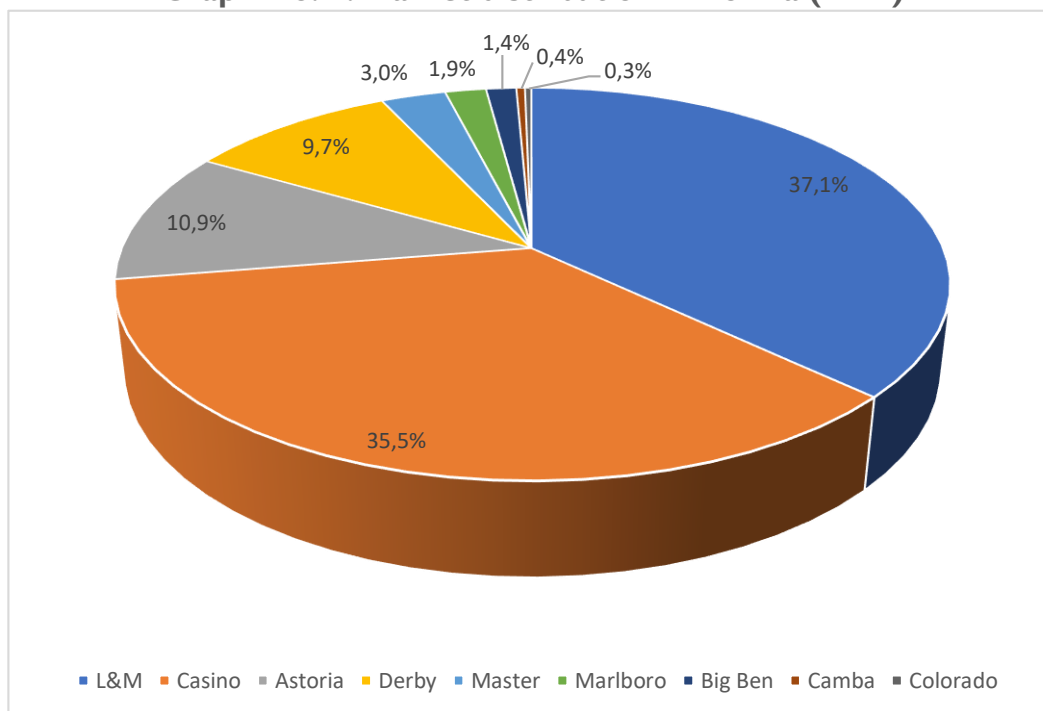
<sup>11</sup> These brands, in addition to their variants such as light, suave or acronyms.

Máster		
Derby		

All this trademarks, are distributed in Bolivia by AIDS A company owned by CITSA. "BIS Overseas" company is the exclusive distributor of Japan Tobacco International (JTI) which is responsible for import and distribute trademarks like Winston, Camel, LD, Benson & Hedges, Silk Cut, Sobranie, Glamour y Natural American Spirit.

The distribution of the national market according to the most consumed brands does not have updated data, at least public. But according to data from Fiorilo B. and García G. published in 1999<sup>12</sup> and FIC Bolivia produced in 2016, the most consumed trademarks of cigarettes are:<sup>13</sup>:

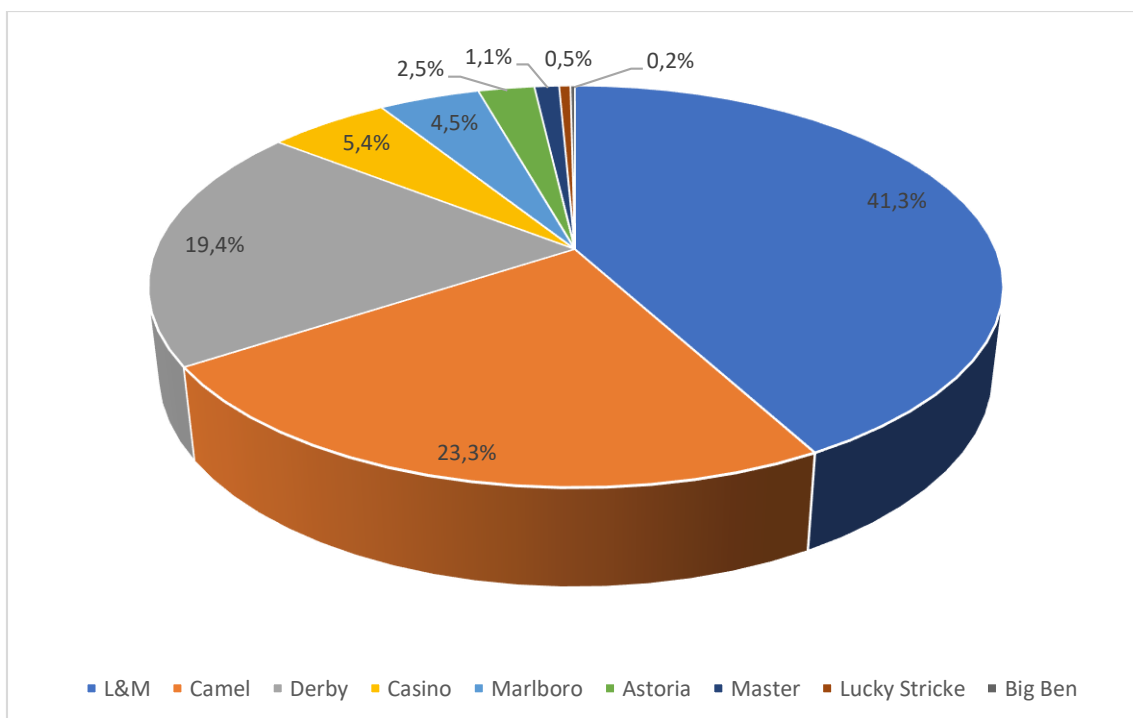
**Graph No. 1: Market distribution in Bolivia (1999)**



**Graph No. 2: Market distribution in Bolivia (2016)**

<sup>12</sup> Fiorilo B., Garcia G. (2000). Degree thesis "Contribution of the tobacco industry to the national economy". University of San Andres. La Paz, Bolivia. <https://bit.ly/3wAnm3y>

<sup>13</sup> FIC Bolivia (2016). Opinion poll on tobacco consumption, control and marketing in Bolivia. Unpublished document.



Regarding the price of cigarettes in the country, it is oscillating. According to the PAHO report generated in 2011, the best-selling trademark in 2010, out of a pack of 20 cigarettes, had a cost of 6.00 bolivianos (equivalent to 2.15 USD)<sup>14</sup>. According to data from FIC Bolivia, the cost of cigarettes to date is:

**Table 2: Prices of the most sold cigarette brands (expressed in Bolivian coin)<sup>15</sup>**

TRADEMARK	Ten unit package	Twenty unit package
Camel Active	11,00	19,00
Camel Blue	9,00	18,00
Camel filter	9,00	18,00
Derby suave	5,50	10,00
Derby normal	5,50	10,00
L&M	8,00	12,50
LD (22 unidades)	No aplica	13,00
Marlboro	10,00	18,50
Lucky strike	10,00	18,00
Astoria	No aplica	6,00
Casino	4,00	7,00

But the worrying thing, in addition to having Bolivia one of the lowest prices in the region with respect to tobacco products, is the sale of cigarettes per unit, or as it is colloquially known in the country “loose”. In street kiosks and neighborhood stores, you can usually find cigarettes from 0.50 bolivian centavos per unit of L&M (approximately 0.07 USD), up to 1 boliviano per unit of CAMEL (approximately 0.14 USD).

<sup>14</sup> PAHO Bolivia. Tobacco Control Report 2011. Available online: <https://bit.ly/3zsylyZ>

<sup>15</sup> Exchange rate from Bolivians to US Dollars 9.96.

The tax established for tobacco products is 42% of the total value of the product, being one of the lowest in the region, since the average in South American countries is 45%.

Finally, one of the great problems in the country, which generates underreporting, both in the distribution of the cigarette brand market and in the control of tobacco products, is smuggling. Products of predominantly Paraguayan<sup>16</sup>, origin flood the Bolivian market, generating a double health problem: that caused by the actual consumption of tobacco and by the components and chemicals with which the contraband products are made, which are not known for sure.

### Tobacco consumption in Bolivia

From official data from the Plurinational State of Bolivia, collected by the National Council for the Fight Against Illicit Drug Trafficking (CONALTID) through its two secretaries in: general population (people between 12 and 65 years old), schoolchildren (people between 13 and 18 years) and university population; tobacco is the second psychoactive substance with the highest prevalence levels, after alcohol.

**Table 3: Prevalences of psychoactive substance use in different populations**

DROGAS	General Population 2014 <sup>17</sup>			School Population 2008 <sup>18</sup>			University population 2012 <sup>19</sup>		
	MONTH	YEAR	LIFE	MONTH	YEAR	LIFE	MONTH	YEAR	LIFE
Alcohol	23.0%	48.5%	69.4%	27.7%	35.4%	46.5%	35.1%	57.6%	77.8%
Tobacco	14.8%	25.1%	45.3%	13.3%	22.3%	40.1%	22.3%	34.7%	58.7%
Tranquilizers	1.0%	1.9%	4.6%	3.6%	6.9%	14.3%	0.6%	1.3%	3.0%
Stimulants	0.1%	0.3%	0.6%	2.4%	4.0%	9.1%	0.1%	0.4%	1.6%
Marijuana	0.7%	1.3%	3.6%	1.9%	2.5%	6.2%	1.5%	3.4%	12.0%
Cocaine	0.0%	0.3%	0.8%	1.2%	1.9%	3.1%	0.0%	0.2%	1.6%
Base Paste	0.0%	0.1%	0.2%	0.8%	1.3%	1.9%	0.0%	0.1%	0.3%
Inhalants	0.2%	0.3%	1.0%	1.4%	2.5%	4.2%	0.5%	0.5%	3.0%
Ecstasy	0.0%	0.0%	0.0%	-	-	1.6%	0.0%	0.0%	0.6%

<sup>16</sup> Quoted in: <https://bit.ly/3xuvUjf>

<sup>17</sup> CONALTID Coordination Secretariat, Second study on the prevalence of drug use in the general population of ten cities in Bolivia, 2014. CONALTID.

<sup>18</sup> Vice Ministry of Social Defense and Controlled Substances. Second study on the prevalence of drug use in schoolchildren aged 13 to 18 in the capital cities of Bolivia, 2008 (Unpublished document).

<sup>19</sup> Andean Community of Nations - PRADICAN Project. II Andean Epidemiological Study on Drug Use in the University Population. Bolivia Report, 2012.

## Introduction

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Since Bolivia's ratification of the WHO Framework Convention for Tobacco Control - Bolivian FCTC on September 15, 2005, the national regulations promulgated and binding with Article 5.3 of the FCTC were not reflected in national regulations such as the Law No. 3029 of April 22, 2005, Supreme Decree No. 29376 of December 12, 2007, Multimministerial Resolution No. 03 of May 14, 2009, or Ministerial Resolutions supporting tobacco control, as regards to protect public policies against commercial and other vested interests of the tobacco industry.

It was only after the enactment of Law No. 1280 of February 13, 2020, Bolivia began to regulate the "Prevention and Control of the Consumption of Tobacco Products", where after intense struggles against the interests of the Tobacco Industry, it was managed to insert very discreetly, regulations that help to institutionalize article 5.3 of the FCTC. It should be noted that there are general rules that cooperate in the defense of the interests pursued by the tobacco industry, where the Law to Combat Corruption, Illicit Enrichment and Investigation of Fortunes No. 004 of March 30, 2010 stands out. , Law of Transparency Units N ° 974 of December 4, 2017, Law N ° 650 of January 19, 2015 "Patriotic Bicentennial Agenda". However, these rules are neither specific nor fruitful as regards Article 5.3 of the FCTC.

The international commitments where Bolivia is a participant in valuable global agreements cannot be set aside, such as the WHO Framework Convention for Tobacco Control, in addition to the American Convention on Human Rights, the United Nations Convention. against Corruption, the Inter-American Convention against Corruption, the United Nations Convention against Transnational Organized Crime and the Jurisprudence of the Inter-American Court of Human Rights. Such agreements may be useful when working on provisions against the interests of the tobacco industry.

### Materials and methods

In accordance with the SEATCA methodology, for the present investigation, the methodological design was used: cross-sectional, analytical, non-experimental observational.

The following qualitative methods were used:

- Analysis of official documents: Laws, Supreme Decrees, Ministerial Resolutions, Strategy for the Fight Against Drug Trafficking, National Plan for the Reduction of Drug Demand, FCTC, reports and technical documents on tobacco, etc.
- Analysis of public information: press reports and information from official websites of Public Institutions and the tobacco industry.

The months between January 1, 2019 and March 31, 2021 were considered to search for information.

The criteria for searching for information and secondary sources were:

- Websites of public institutions: the websites of the Legislative Body, Ministry of the Presidency, Ministry of Health and Sports, Ministry of Economy and Public Finance,

Ministry of Education, Ministry of Rural Development and Land, Ministry of Productive Development, were prioritized and analyzed and Plural Economy.

- Newspapers with national circulation: 5 mainly printed media were reviewed and analyzed (La Razón, Página Siete, Ahora el Pueblo, El Diario, Opinión).
- Web pages of the tobacco industry: all the pages of the national tobacco industry and the transnational tobacco industry were consulted
- Other sources: web pages of the main television communication media (ATB, Bolivisión, Bolivia TV, Red Uno) and also the digital press

The keywords with which the aforementioned web pages were searched were:

SITE	KEYWORDS
Newspaper and TV channel websites	<ul style="list-style-type: none"> <li>• CITSA and Ministry of Health and Sports</li> <li>• Tobacco and smoking and regulation</li> <li>• Anti-smoking regulations</li> <li>• Law 1280 tobacco</li> <li>• Law 3029 tobacco</li> <li>• Smuggling and tobacco and taxes</li> <li>• Ministry of Health and tobacco</li> <li>• Tobacco AND Bolivia</li> <li>• Deputies AND tobacco</li> <li>• Law 1280 AND deputies</li> <li>• Draft Law AND tobacco</li> </ul>
Public Institutions web pages	<ul style="list-style-type: none"> <li>• Tobacco</li> <li>• Tobacco control AND law</li> <li>• Tobacco AND taxes</li> <li>• Tobacco AND public</li> <li>• Smoke-free public space</li> <li>• Smoking AND law enforcement</li> <li>• Social responsibility AND CITSA</li> <li>• Smuggling and tobacco AND taxes</li> </ul>
Tobacco industry front groups and websites	<ul style="list-style-type: none"> <li>• Association of trade unions AND law 1280</li> <li>• CITSA AND corporate social responsibility</li> <li>• CITSA AND producers AND social responsibility</li> <li>• CITSA AND prevention AND tobacco</li> <li>• CITSA AND Mairana</li> <li>• CITSA AND Bolivia and humanitarian aid</li> <li>• CITSA AND Bolivia and covid 19</li> <li>• CITSA AND women and development</li> <li>• CEPB AND tobacco</li> <li>• CEPB AND law AND tobacco</li> </ul>

## Legal Context

The Plurinational State of Bolivia is one of the countries in the Region with the least progress in tobacco control. Specifically, the country has Law No. 3029 of April 22, 2005 that approves



the ratification of the "Framework Agreement for Tobacco Control" and now Law 1280 "Prevention and Control of the Consumption of Tobacco Products" February 13, 2020.

Regarding the regulation of the relationship between public servants and the tobacco industry, the country does not have a specific norm. In a very general way, Law No. 004 on the Fight Against Corruption, Illicit Enrichment and Investigation of Fortunes promulgated on March 30, 2010, provides certain guidelines, such as the prohibition of receiving gifts, in addition to always acting within the framework of ethics and transparency.

- **Law No. 1280 "Prevention and Control of the Consumption of Tobacco Products" promulgated on February 13, 2020**

It is the Bolivian regulation that aims to establish the normative framework on the measures that allow to protect the person, the family and the community, against the health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke .

Through this Law, it was possible to include, although very succinctly, the control of tobacco against all the interests created by the tobacco industry that are totally opposed to public health.

In this regard, article 6.2 includes an accurate definition that is linked to article 5.3:

"Ethics. Public servants (Public official) in accordance with moral principles, reflected in the values of honesty, transparency, integrity, probity, responsibility and efficiency, in accordance with moral ethical principles "

On the other hand, the Inter-Institutional Technical Commission is created to monitor compliance with the objectives established in the Framework Agreement for Tobacco Control, where article 26-II states:

*"The Interinstitutional Technical Commission for the implementation of the Framework Agreement for Tobacco Control will be made up of all those public and private institutions linked to the issue, excluding the participation of groups associated with the tobacco industry"*

However, this Law has not been implemented to date, due to the lack of its Regulations.

- **Law for the Fight Against Corruption, Illicit Enrichment and Investigation of Fortunes No. 004 of March 30, 2010**

Its purpose is to establish mechanisms and procedures within the framework of the Political Constitution of the State, laws, treaties and international conventions, aimed at preventing, investigating, prosecuting and punishing acts of corruption committed by public servants and ex-public servants, in the exercise of their functions, and natural or legal persons and legal representatives of legal persons, public or private, national or foreign, that compromise or affect State resources, as well as recover the affected patrimony of the State through the competent jurisdictional bodies.

Some of its principles have pre-Columbian roots such as the case of "Ama Suwa" which means "Don't be a thief" or "Uhua'na machapi'tya" which means "Do not steal". Likewise, there are other principles that are related to article 5.3, such as "ethics" and "transparency".

Law 004 is applicable to all public and ex-public servants of all the Authorities (Powers) of the Bolivian State, as well as private, natural or legal persons who, not being public servants, commit crimes of corruption causing economic damage to the State.

### **Political Context**

On the other hand, the Bolivian State has medium-term planning instruments, with regard to addictions in general.

The Strategy against Illicit Trafficking of Controlled Substances and Control of the Expansion of Coca Cultivation 2021-2025 and the National Plan for the Reduction of Drug Demand 2013-2017 propose the State's actions regarding the prevention, treatment and rehabilitation of people with addictions, including tobacco.

In a slightly more specific way, the Health Code of July 18, 1978, recognizes the approach from the public health point of view of tobacco.

- **Health Code of July 18, 1978 (Decree Law 15629).**

Its purpose is to regulate actions for the conservation, improvement and restoration of the health of the population through the control of human behavior and certain activities, in order to obtain favorable results in the comprehensive health care of the inhabitants of Bolivia.

It was the first national regulation that regulated, in some way, tobacco control. Thus, article 123 determines that "The Health Authority is the only one empowered to regulate all aspects in defense of the health of the population, in relation to tobacco in its different forms of presentation and sale." In this context, Health Entity is understood as the definition of the national health policy, the training, planning, control and coordination of all activities throughout the national territory, in public and private institutions without any exception.

### **Research Limitations**

In the search for information on the websites of newspapers, public institutions or the tobacco industry itself, it was carried out in a rigorous and meticulous manner. Despite this, public information is quite scarce and in some cases, even null.

As it is a fairly sensitive issue, it was decided to include the opinions of key stakeholders, gathered through meetings held for research.

In this sense, the scoring of the indicators and the findings have the necessary support, but it should also be considered that it is very possible that there is an underreporting of interference activities by the tobacco industry, since it uses very well camouflaged mechanisms.

## Summary Findings

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Within the mapping of actors identified to perform this research, there are:

- In accordance with the constitutional mandate, the public institutions identified are:
  - Plurinational Legislative Assembly.
  - Ministry of the Presidency,
  - Ministry of Health and Sports,
  - Ministry of Economy and Public Finance,
  - Ministry of Education,
  - Ministry of Rural Development and Lands,
  - Ministry of Productive Development and Plural Economy
- The national tobacco industry is represented by:
  - Tobacco Industrial Company S.A. (CITSA), becoming the only national company that produces tobacco products.
  - AIDISA Company, responsible for the distribution and commercialization of CITSA tobacco products, who owns this company.
  - BIS Overseas Company, owned by Japan Tobacco International (JTI) and exclusive distributor of its products in the country.
  - Chamber of Industries, Commerce, Services and Tourism of Santa Cruz (CAINCO),

### I. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

As mentioned in the previous chapter, the Plurinational State of Bolivia enacted Law No. 1280 “Prevention and control of the consumption of tobacco products” on February 13, 2020.

According to the account of former officials of the Ministry of Health and Sports, the Chamber of Deputies of the Plurinational Legislative Assembly and the Director of FIC Bolivia, who accompanied the entire process, contemplated from the presentation of the proposal, the inter-institutional debate<sup>20</sup> in the Unit for Analysis of Social and Economic Policies (UDAPE) dependent on the Ministry of Development Planning, the approval by the highest executive authorities of the Ministries involved in the Council for Economic and Social Policy (CONAPES) and the enactment itself of Law by the Plurinational Legislative Organ, the process lasted approximately 2 years and had many modifications to the original Law Project.

This fact was reflected by a press article in the newspaper La Razón, where it literally quotes “lobbying (anteroom) and providing information on an alleged increase in unemployment and

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<sup>20</sup> In this instance, UDAPE summons all Ministries involved in the matter, so that technical personnel debate the Law Project.

smuggling that affects tobacco companies are some strategies used by the industry to prevent the draft Law on Prevention and Control of tobacco products be approved, warned PAHO”<sup>21</sup>.

In this process, four phenomena related to tobacco industry interference occurred:

- The first, related to the sending of letters by the Tobacco Industry to the Ministry of Health, as the initial designer of the Law Project, arguing that it would harm the national industry, the economy and sources of employment. It cannot be said whether thanks to these efforts by the tobacco industry or for what reasons, but the Ministry of Health decided to archive the aforementioned Law Project.
- The second phenomenon refers to the invitation by the Health and Education Commission of the Plurinational Legislative Assembly (second designer of the Law) to the tobacco industry, which in the spirit of "reaching consensus" and showing a "conciliatory position" "With all the sectors involved, he presented the Law Project to CITSA.
- The third moment is related to sending a letter through the Chamber of Industries, presenting observations and suggestions to the Law Project, in addition to showing their best predisposition and support for the project and, if necessary, providing technical assistance in the process, with the aim of "enriching" it<sup>22</sup>.
- The fourth moment is related to the delay in the regulation of Law No. 1280<sup>23</sup>. The First Transitory Provision of the aforementioned Law, granted 180 calendar days from its publication to approve the Supreme Regulatory Decree at the proposal of the Ministry of Health. To date, the term determined in the Law has already expired more than 7 months, an aspect that leads to executive, administrative and even criminal responsibilities to the authorities that fail to comply with the terms of said rule.

These facts show that the legislators who draft the Law, apparently framed in a conciliatory and consensual policy, consider that it is appropriate to consult and listen to the positions of all the actors involved in the regulation of tobacco. If this is added to the fact that in Bolivia there is no specific norm that regulates and regulates the relationship of public officials with the tobacco industry, it gives rise to this type of actions that could be innocent in some cases.

The truth is that, in the interim of the meetings held with the tobacco industry or the representative of the national industry, as is the case with the Chamber of Industries, the Law Project underwent some modifications related to: 1) the space of the pictograms<sup>24</sup> in cigarette packs; 2) the specific articles that made reference to Article 5.3 of the Framework Convention on Tobacco Control (FCTC) of the World Health Organization (WHO); 3) the word “ban” was removed from electronic cigarettes; 4) the elimination of the article prohibiting additives

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<sup>21</sup> Press report: <https://bit.ly/3iXEOuT>

<sup>22</sup> Observations submitted by the industry to the bill: <https://bit.ly/3gztL8h>

<sup>23</sup> Press report: <https://bit.ly/3pWZ3Kt>

<sup>24</sup> In the original bill, the pictograms were required to occupy 80% of the faces of the packs, and in the end, the approved Law mentions only 60% of the space.

or flavorings from tobacco products; and 5) the elimination of the prohibition of the consumption and sale of tobacco products less than 150 meters away from Education and Health Establishments.

The reduction in the space that pictograms should occupy on packs is a clear example of industry interference. In an article published in the newspaper La Razón on June 26, 2019<sup>25</sup>, Deputy Franklin Flores (planner of Law 1280), I quote “the warnings have been consensual in 60% in the lower part, it was in 80% in the upper part, the change responds fundamentally to the location”, implying that the reduction was agreed with the tobacco industry. In this regard, Pamela Cortez from FIC Bolivia warned in the same article that “the industry is quite skilled and for them the highest point is the new smokers and with these changes, what they mainly take care of is to preserve the continuous adherence of new smokers who they are potentially children and adolescents”.

Reinforcing this hypothesis of interference by the tobacco industry, PAHO warned of this fact, in an article in the newspaper La Razón published on June 28, 2019<sup>26</sup> that cites "the Pan American Health Organization warned of interference by tobacco companies”.

Regarding the prohibition of electronic cigarettes and its elimination from the approved Law 1280, the newspaper article of the newspaper Pagina Siete<sup>27</sup>, quotes verbatim “according to the deputy and promoter of the norm, Alicia Canqui, the first draft of the project, already Socialized for four years in the country, it contemplated the prohibition of the use of electronic cigarettes - because they are harmful to health. But, this article was changed because the tobacco companies assured that there is still no scientific basis to corroborate that they are harmful”.

Under this same logic, when the Autonomous Municipal Government of La Paz, in 2018, presented a draft Municipal Law to regulate Law No. 3029 that ratified the "Agreement for the Control of Tobacco." According to statements by an advisor to the Municipal Council of La Paz, the Municipal Law project was also socialized with the tobacco industry, for “consensus” and “listening” to all parties. As a result of this meeting with CITSA, some suggestions and recommendations to the bill arose, which achieved that in the end, for reasons that could not be clearly explained, the law was not promulgated and was archived, despite the fact that the councilor designer, declared its prompt approval at a press conference.

Carrying out a historical analysis, and according to the version of ex-authorities of the Ministry of Health, the same phenomenon occurred in the steps after the enactment of Law No. 3029 "Agreement for the Control of Tobacco" approved on April 22, 2005. The tobacco industry managed and held various meetings<sup>28</sup> with authorities of the Ministry of Health, mainly, offering advice for its regulation.

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<sup>25</sup> Press report: <https://bit.ly/3gt02Px>

<sup>26</sup> Press report: <https://bit.ly/3pWfjLE>

<sup>27</sup> Press report: <https://bit.ly/3goYIUl>

<sup>28</sup> Letter: <https://bit.ly/3ijzdbb>

Regarding the participation of the tobacco industry in the national delegations for the Conference of the Parties (COP) or other subsidiary bodies, no evidence was found of the participation of members of the industry in the Bolivian delegations<sup>29</sup>. The country participated in 1st., 2nd., 4th., 5th. And 7th. POPs. The fact of not having found names of people outside the Ministry of Health or diplomatic delegations does not exclude the possibility that some of the participants may have been interfered with by the tobacco industry, before, during or after the COP.

Another aspect that could not be evidenced in the present investigation is related to the promotion of regulations in favor of the Tobacco Industry. However, and in accordance with the opinion of the director of FIC Bolivia, in recent years, there have been some initiatives to increase the tax on tobacco products, without these being able to materialize, and there may be interference from the Industry to not specify this fact.

## **2. INDUSTRY CSR ACTIVITIES**

According to the CITSA website<sup>30</sup>, support for tobacco producers is constant and seeks to update and improve production. Under the slogan of "sustainable employment", the company discloses the generation of 800 jobs with families in Mairana and in Okinawa in the department of Santa Cruz.

In addition to the aforementioned, no evidence has been found on the direct implementation of Corporate Social Responsibility (CSR) activities in the country. A fact that draws attention is that CITSA is a partner of one of the main insurance companies in the country, called "Alianza de Seguros y Reaseguros"<sup>31</sup> who, within its offer, are health insurance, in addition to having a program pretty big CSR.

The link between CITSA and the Alianza de Seguros y Reaseguros CSR program could not be demonstrated in the present investigation, considering this relationship a hypothesis rather than a conclusion.

Another aspect that draws attention is that in the 2020 administration, during the pandemic caused by COVID-19, private entrepreneurs in the country made the donation of 22 million Bolivians (equivalent to 3,160 USD)<sup>32</sup> for biosafety materials and supplies and medicines. As already mentioned, CITSA is an active member of the Association of Private Entrepreneurs of Bolivia.

## **3. BENEFITS TO THE INDUSTRY**

The only regulation in force in current tobacco control and approved by the Plurinational Congress is Law No. 1280 of February 13, 2020, which granted the Executive Power 180 calendar days from its publication to be able to have a new Regulations, however, it has been

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<sup>29</sup> List of people participating in the COPs: <https://bit.ly/2TCHKID>

<sup>30</sup> <https://bit.ly/3ztMXwO>

<sup>31</sup> <https://bit.ly/3xuvUJf>

<sup>32</sup> Press report: <https://bit.ly/2Sw7XT4>

7 months since this obligation has been omitted. And although the aforementioned Law leaves Supreme Decree No. 29376 of December 12, 2007 in force, to date there are no significant sanctions in this regard. Therefore, Law No. 1280 does not yet have specific regulations.

With the investigation, it has been possible to evidence through an interview with a former Minister of Health, who corroborated that after the approval of Supreme Decree No. 29376 that obliges the tobacco industry for the first time in the history of Bolivia to incorporate the health warnings, the health industry sent a letter requesting the extension of the time for the implementation of the pictograms. As a consequence of this note sent to the Ministry of Health, the Bolivian State postponed the time stipulated in the Law.

#### **4. UNNECESSARY INTERACTION**

As mentioned in point I of this chapter, it has been shown that at least two Bolivian Ministers of Health, deputies of the Plurinational Legislative Assembly of Bolivia, as well as Municipal Assemblymen of La Paz have held meetings with the tobacco industry, in specific moments, such as the process of treatment of the draft Law 1280 and the Municipal Law on Tobacco that regulated Law No. 3029.

On the other hand, there is a very close and frequent relationship between the Chamber of Private Entrepreneurs, the Chamber of Industries and the Bolivian Institute of Foreign Trade with the National Government<sup>33 34</sup>, with the CITSA company being an active member of these institutions.

According to the Autonomous Municipal Government of La Paz, the tobacco industry has not offered support or technical assistance in control activities, such as operations or seizures of tobacco products.

#### **5. TRANSPARENCY**

According to statements from former authorities and former professionals of the Ministry of Health and Sports and the director of FIC Bolivia, and as explained in the preceding paragraphs, meetings of authorities or former authorities with the tobacco industry are considered a routine part of equitable treatment, and balancing of certain tobacco control standards. That is why there is no public information, neither on the web pages of the Ministries nor in the news, where these meetings or their content is evidenced or verified.

The accreditation of the tobacco industry in Bolivia is given only to the Institutions that have to do with industry and production, such as the Ministry of Productive Development and Plural Economy or the Ministry of Rural Development and Lands. In no case, the Ministry of Health and Sports has the registry and less with the accreditation of entities of the tobacco industry, or pressure groups.

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<sup>33</sup> <https://bit.ly/3gs0jSl>

<sup>34</sup> <https://bit.ly/3pYlyNX>

It should be noted that FIC Bolivia has an extensive database of tobacco industry entities, facade groups and national influencers that promote tobacco products.

## 6. CONFLICT OF INTEREST

It has not been possible to prove that former government officials<sup>35</sup> work in the tobacco industry or their immediate family members; as well as the financing or sponsorship of political parties or political groups by the industry.

On the other hand, in Bolivia the current norm of Political Organizations, Law No. 1096 of "Political Organizations"<sup>36</sup> within the prohibitions for their private financing, it does not contemplate the tobacco industry.

**ARTICLE 71. (RESTRICTIONS). I.** Political organizations may not manage, accept or receive, directly or indirectly, in whole or in part, any type of contributions, donations, subsidies or supports that come in a proven way from the following sources:

- a) Public entities and companies of the Plurinational State of Bolivia, except for the public strengthening administered by the Plurinational Electoral Body.
- b) Any foreign public or private entity, with the exceptions established in this Law.
- c) Religious or spiritual groups.
- d) Natural or legal persons that own games of chance.
- e) People who have been obliged to make the contribution by their hierarchical superiors or employers, whether in public or private entities.
- f) Anonymous, except in the case of public collections.
- g) Others of illicit origin.

## 7. PREVENTIVE MEASURES

Regarding the prevention measures that the Bolivian State has implemented to regulate, regulate or make transparent the relationship of public servants with the tobacco industry, there are no specific regulations for this purpose.

The Statute of the Public Official<sup>37</sup>, in a general way and without specifying the issue of the tobacco industry, prohibits the acceptance of gifts, gifts or other types of benefits.

**ARTICLE 14 (GIFTS AND OTHER GIFTS).** Public servants are prohibited from accepting, from any individual or collective person, public or private, national or

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<sup>35</sup> The search for personnel dependent on CITSA was carried out on LinkedIn, without finding previous experience in the public sector in the professional profiles.

<sup>36</sup> Approved on September 1, 2018

<sup>37</sup> Law No. 2027 of the Public Official Statute promulgated on October 27, 1999. Available online: <https://bit.ly/3gqhx2T>



foreign, gifts, gifts, benefits or other types of donations, aimed at directly or indirectly favoring the efforts under their charge or asserting influence before other public servants with similar purposes, without prejudice to criminal sanctions.

However, as has been evidenced in point I of this document, the authorities and former authorities, mainly the Ministry of Health and Sports and the Plurinational Assembly of Bolivia, are unaware of the guidelines of Article 5.3 of the FCTC. This fact has generated that the ex-authorities have held meetings with officials of the Tobacco Industry or with organizations to which they belong, such as the Chamber of Industries etc.

Likewise, the Bolivian State does not have records of the expenses incurred by the tobacco industry in advertising, marketing, CSR, etc. There are only records of the payment of taxes, production volumes (cigarettes only) and, if applicable, the export of tobacco products. This legal and procedural vacuum allows the tobacco industry not to be forced to make transparent its expenses related to advertising, promotion and sponsorship, in addition to having almost no control in this regard.

These acts and actions carried out by authorities and ex-authorities are the consequence of the non-existence of a specific norm related to Article 5.3. of the FCTC. In an attempt to contemplate some aspects of Article 5.3 and at the initiative of FIC Bolivia, specific articles were incorporated into the draft Tobacco Law, current Law No. 1280, but due to the interference of the tobacco industry, these were reduced to a minimum expression. Even so, the expectation remains that in the regulation of Law No. 1280, a little more can be done in this regard.

To this fact, it must be added that the tobacco industry, as in other countries in the world, sponsors influencers (increasingly younger); provides attractive shelves or counters in supermarkets, neighborhood stores, and newsstands; promote tobacco products in supermarkets, bars, karaoke bars or inexpensive nightlife activities; in addition to conditioning specific spaces for smokers in nightlife activities and even in Universities. FIC Bolivia has photographic records of the Public University of El Alto, as well as the Private University of Bolivia, where it can be seen that there is a space for smokers inside the universities, reconditioned by a tobacco brand.

**Graph No. 1: Area for smokers implemented in the Public University of El Alto by the Derby brand**



Source: FIC Bolivia

Finally, it is known that the Association of Trade Unions, where the sellers of sweets, sodas and cigarettes belong (small shelves established in the street), sent a letter to the Plurinational Legislative Assembly, during the treatment of Law No. 1280, requesting the removal of the articles related to the control of the sale of tobacco products, arguing an economic damage in this sector.

FIC Bolivia, has been monitoring this Association, as well as the Association of nocturnal activities<sup>38</sup>, which would become front groups of the tobacco industry, since they receive economic benefits and incentives for the sale of tobacco products.

## **CONCLUSION**

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- The authorities and public servants are unaware of the existence of the guidelines of Article 5.3. of the WHO FCTC.
- Under the logic of agreeing and socializing the tobacco control regulations with all the actors, authorities, former authorities and public servants held meetings with the tobacco industry, without making their content and context transparent.
- The interference of the tobacco industry in the country's public policies occurs at specific times: treatment of a bill or regulation of a tobacco control law. In addition to these moments, the tobacco industry does not have the need to interfere or interact with Public Instances, since, in Bolivia, the sale of tobacco products, advertising,

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<sup>38</sup> This Association brings together bars, canteens, karaoke bars, discos and nightclubs.

promotion and sponsorship, is very little regulated and even more so, the control it is scarce or almost nil.

- The Plurinational State of Bolivia does not have a specific norm that regulates or regulates the relationship of public servants with the tobacco industry.
- The State does not provide information on progress in tobacco control, due to political and national issues, since this issue does not seem to have the necessary relevance.

## **RECOMMENDATIONS**

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- It is imperative to have a specific norm that regulates and regulates the relationship of public servants with the tobacco industry.
- While promoting and promoting a specific norm, it is necessary and urgent to socialize with authorities and technical personnel of Public Institutions of the National, Departmental and Municipal Government, in addition to the Legislative, Judicial and Electoral Bodies of the guidelines of Article 5.3. of the WHO FCTC.
- Socializing the results of this research at all levels may serve to show the need for a specific standard related to interference from the tobacco industry.
- Promote and promote the Regulation of Law No. 1280, preventing the tobacco industry from continuing to interfere and delay it. In this way, Law No. 1280 may be applied in its entirety and the Subnational Governments may regulate the Law and initiate control and sanction.

## 2021 Tobacco Industry Interference Index Results and Findings

	0	1	2	3	4	5
<b>INDICATOR I: Level of Industry Participation in Policy-Development</b>						
I. The government <sup>39</sup> accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry <sup>40</sup> in setting or implementing public health policies in relation to tobacco control <sup>41</sup> (Rec 3.1)					<b>4</b>	

According to interviews with former authorities of the Ministry of Health and the Municipal Autonomous Government of La Paz, draft Law No. 1280 and the draft Municipal Law on tobacco were reviewed and agreed upon with the tobacco industry, the same that did suggestions to bills.

As a result of these meetings, Law No. 1280 was modified in some articles that conveniently favored the tobacco industry: 1) the size of the pictograms on the packs was reduced from 80% to 60%; 2) the word "prohibited" for electronic cigarettes was removed; 3) Articles related to the recommendations of Article 5.3 (La Razón newspaper of June 26, 2019) were modified



<sup>39</sup> 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

<sup>40</sup> The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

<sup>41</sup> "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

PAHO in Bolivia warned that the tobacco industry was interfering with the new Tobacco Law, after several years of work led by the Ministry of Health (initial planner), the bill was filed in 2018 (Newspaper The Reason for March 2018)

# OPS: hay trabas de tabacaleras que impiden debatir normas

**Sociedad.** Bolivia y Paraguay son los únicos países de la región sin leyes antitabaco

**WILMA PÉREZ** ■ LA PAZ

Hacer lobby (antesala) y dar información sobre un supuesto incremento del desempleo y contrabando que afecta a las tabacaleras son algunas estrategias que usa esta industria para evitar que se apruebe el proyecto de Ley de Prevención y Control a los Productos del Tabaco, advirtió la OPS.

\*Están relacionados por la sanción y la puesta en agenda del proyecto de ley, pero al mismo tiempo estamos preocupados por los mecanismos de interferencia que ejerce la industria tabacalera para evitar la aprobación de la norma. Se había agendado su tratamiento en la Asamblea, pero con tristeza vimos que no hubo nada", declaró a LA RAZÓN Francisco Armada, asesor de Control de Tabaco para las Américas de la Organización Panamericana de la Salud (OPS).

El experto aseguró que son varias las estrategias que usan las tabacaleras cuando los países pretenden endurecer las leyes e indicó que fueron los estudios del lobby (antesala) que ahora realizan para influir en las decisiones de los asambleístas bolivianos.

También dan información falsa para crear incertidumbre en el mundo económico, como que el contrabando de tabaco inundará el mercado si se endurece el control. ¿Cómo podría haber contrabando si el costo del producto en Bolivia es el más bajo de la región, además la participación del país en la economía tabacalera es muy baja y la mayoría de los productos son importados", aseveró Armada.

Este medio buscó la versión de la Compañía Industrial de Tabacos S.A. (CITSA), la más antigua y grande de Bolivia, pero indicaron que no emitirán ninguna declaración al respecto. De la misma forma se intentó contactar a Víctor Borda, presidente de la Cámara de Diputados, pero hasta el cierre de edición no hubo respuesta.

**PLENARIA.** Franklin Flores, diputado del Movimiento Al Socialismo (MAS), presentó hace dos semanas el proyecto de ley para el control de los productos de tabaco a la Comisión de Educación y Salud, la cual preside. Luego de un análisis, dicha instancia lo aprobó y remitió a la plenaria de Diputados, pero aún no es tratada.

La OPS elaboró un estudio técnico y científico denominado *Interferencia de la Industria Tabacalera, un resumen mundial* que establece que la industria tabacalera elabora y promociona un producto que es sumamente adictivo, científicamente comprobado, que daña, mata y da lugar a una variedad de problemas sociales.

Pese a eso, dice el documento, la industria tabacalera hace esfuerzos por descarrilar o debilitar las políticas efectivas del control del tabaco, como intentos de sabotaje de los procesos políticos y legislativos, exagerar la importancia económica de la industria, manipular la opinión pública para generar una apariencia de respetabilidad, simular apoyo a través de grupos fachada, desacreditar la evidencia científica demostrada, intimidar a los gobiernos con litigios cuando se pretende aumentar el impuesto y endurecer las prohibiciones.

Armada recordó que en Sudamérica, Bolivia y Paraguay son los únicos países que no tienen una regulación para el consumo de tabaco y que por ello no tienen garantizado los ambientes libres del humo de tabaco.

"Lo bueno del proyecto es que propone ambientes libres de humo de tabaco en todos los espacios cerrados, sea público, privado o de diversión, en el transporte e incluso centros deportivos. Otra de las regulaciones es que las advertencias gráficas en las cajillas suban del 50% al 80%. La tendencia en la mayoría de los países que ya cuentan con una norma es tener mayor impacto y llegar al 100%, dejando un pequeño espacio para identificar la marca", dijo.

Otro aspecto que resaltó es la prohibición completa de patrocinio, promoción y publicidad de estos productos, puesto que en la región solo tres gobiernos introdujeron este concepto dentro de la ley: Colombia, Brasil y Uruguay; el resto lo hizo parcialmente.

"El proyecto de ley boliviano tiene un avance fabuloso, pues prohíbe totalmente el patrocinio, promoción y publicidad de los productos del tabaco, y de llegar a promulgarse pondrá a Bolivia dentro del grupo privilegiado de gobiernos que protegen a su población contra el tabaco, por eso estamos entusiasmados con el tratamiento y aprobación de la Ley", aseveró el especialista de la OPS.

En Bolivia, según datos de la OPS, 4.474 mueren por causas relacionadas con el consumo del tabaco.

4.474 muertes el año se dan por causa del tabaco

13 años es la edad de inicio de consumo de tabaco

A few months later, the Health and Education Commission of the Plurinational Legislative Assembly of Bolivia again began the treatment of the bill. In this process, the Commission held meetings with the Tobacco Industry, which, through the Confederation of Private Entrepreneurs, made suggestions to the bill.



Señora  
 Gabriela Montaña  
 Presidente  
 HONORABLE CÁMARA DE DIPUTADOS  
 ASAMBLEA LEGISLATIVA PLURINACIONAL  
 Presente.-

De nuestra consideración:

En atención a los compromisos asumidos con su autoridad, a través de la presente, nos permitimos hacerle llegar una ayuda memoria con las observaciones institucionales al Proyecto de Ley PL 147/17 Ley de Prevención y Control a Productos de Tabaco.

En la seguridad de que las mencionadas observaciones serán adecuadamente valoradas por su Presidencia, saludamos a usted con las consideraciones más distinguidas.



Ronald Nostas Ardaya  
 PRESIDENTE

RAG/mas

For its part, this same mechanism seems to be repeating itself, when the Municipal Council of La Paz, proposed a draft Municipal Law for tobacco control, and invited the tobacco industry to reach a consensus, who made some suggestions to it. The bill was archived without explanation.

Finally, Law No. 1280 approved on February 13, 2020, instructs the Ministry of Health and Sports to regulate the aforementioned rule, within a period of 180 calendar days. To date, approximately 10 months have elapsed after the established deadline has expired and the Regulations are still not in place, the main reason for this delay being the possible interference of the tobacco industry (Screenshot of the newspaper El Extra of 24 de May 2021)

LA PLANTA ES LA SEGUNDA DROGA LEGAL DE MAYOR USO, DESPUES DEL ALCOHOL

ANDREA RÍOS. LA PAZ

# 12 personas al día mueren por el consumo de tabaco

**S**er fumador aumenta el riesgo de contraer COVID-19 y dificulta su pronóstico. Son varias las razones que convierten a los fumadores en un colectivo especialmente vulnerable al virus SARS CoV-2. Al no usar mascarilla para fumar en entornos con más personas próximas, su probabilidad de contagio es mayor. Además, su organismo tiene la condición ideal para que el virus pueda instalarse y replicarse.

**Salud.** La pandemia obligó a muchos cambios en la sociedad, cualquiera el riesgo de contraer la enfermedad logró eliminar es

Durante una entrevista, la directora regional de FIC-Bolivia, Karina Garrón, afirmó que en el país se registra la muerte de 12 personas al día, de las cuales tres son no fumadoras, teniendo un total de 4.888 muertes al año. Asimismo, el 25 por ciento de la población boliviana consume productos de tabaco en general (16,9 por ciento en varones y 35 por ciento en mujeres), el consumo en jóvenes es del 18,7 por ciento, la edad de inicio de consumo es 13 y 14 años y durante las últimas gestiones hubo un mayor incremento de consumo de tabaco en las mujeres.

"Es preocupante ver estas cifras y que aún no podamos hacer nada al respecto, y ver cómo el tabaco en nuestro país está al alcance incluso de los niños, ya que en un kiosco donde se venden dulces puedes encontrar también un producto que tiene tabaco. Es necesario que la población tome conciencia de lo que causan estos productos en su salud", puntualizó la directora del FIC.

Además, mencionó que la carga sanitaria para Bolivia genera gastos económicos anuales de más de 1.400 millones bolivianos para tratar problemas de salud provocados por el tabaco, lo que equivale al 0,8 por ciento del Producto Interno Bruto (PIB) del país.

"La población debe enterarse de que el tabaquismo es el causante de varias enfermeda

## EPIDEMIA DEL TABAQUISMO EN BOLIVIA - 2021

**El tabaco es la segunda droga legal de mayor consumo después del alcohol**

Prevalencia del consumo de tabaco en nuestro país es de 25% año de la población boliviana

Distribución del % de consumo reciente de tabaco según sexo (año) de cada 3 bolivianos: 2 son varones y 1 es mujer

Distribución del % de consumo reciente de tabaco según ciudad (año) La Paz, Sucre y Oruro están por encima de un 30%

Distribución de tabaco por inicio

La epidemia del tabaquismo es un problema mundial que tiene consecuencias sanitarias, sociales, económicas y ambientales. En la actualidad:

- Mueren 7 millones de personas por año en todo el mundo a consecuencia del consumo de tabaco
- 5,4 millones de personas (por consumo de tabaco)
- 600 mil personas mueren (por exposición al humo de tabaco)
- 1 millón de muertes en la Región de las Américas

El consumo aumenta en países en desarrollo por aumento de las estrategias de marketing de la INDUSTRIA TABACALERA

No respeta fronteras, género, edad, estrato social o religión y ha adquirido un carácter epidémico

El tabaquismo se asocia con una gran diversidad de enfermedades como:

- Cáncer de pulmón, de boca, de laringe, de esófago, de estómago, de colon, de vejiga, de páncreas, de mama, ovario y de testículo
- Enfermedades del sistema respiratorio como: bronquitis crónica y asma
- Enfermedades cardiovasculares como: infarto miocárdico y problemas circulatorios ateroscleróticos

**MUERTE, ENFERMEDAD ATRIBUIBLES AL TABACO PAZ**

12 PERSONAS MUEREN DIARIAMENTE EN BOLIVIA A CAUSA DEL TABACO

MÁS DE 1.724 MILLONES DE BOLIVIANOS SE NECESITAN PARA TRATAR LOS PROBLEMAS DE SALUD PROVOCADOS POR EL TABACO

**DE TODAS LAS MUERTES QUE SE PRODUCEN EN EL PAÍS PUEDEN SER ATRIBUIDAS AL TABAQUISMO**

3.728 MUERTES ATRIBUIDAS AL TABAQUISMO EN BOLIVIA

Por otro lado, el asesor legal de FIC-Bolivia, Cristian Monje, recordó que aún no fue aprobado el reglamento de la Ley 1280 de Prevención y Control de los Productos de Tabaco, que fue promulgada el 13 de febrero de 2020. Asimismo, manifestó el compromiso de de

De forma general, la Ley 1280 plantea como ejemplos las siguientes medidas de control del tabaco:

- Ambientes 100% libres de humo de tabaco
- Advertencias sanitarias
- Prohibiciones de comercialización, importación y venta
- Productos de tabaco electrónico y sin combustión

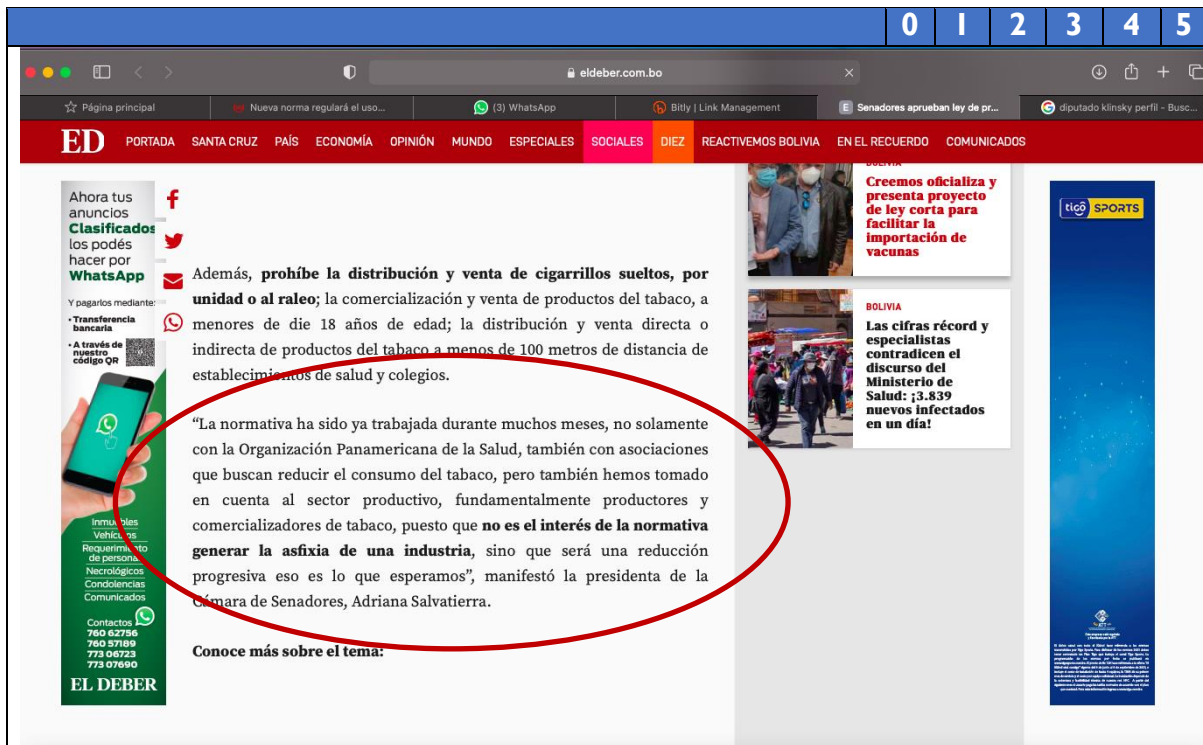
pero, como fundación, seguimos insistiendo hasta que se consiga su aprobación y aplicación inmediata, ya que incluso ahora, en tiempos de pandemia, podemos observar que las personas no cumplen con las reglas o las advertencias de dónde se puede fumar

2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
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No scientific evidence has been found in this regard.

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)						4
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As mentioned in indicator No. 1, both the Plurinational Assembly of Bolivia and the Autonomous Municipal Government of La Paz invited the tobacco industry to technical tables to review the draft laws. These facts denote that the authorities are unaware of the Guidelines of Article 5.3 of the WHO FCTC and that they are often "naive" holding unnecessary meetings with the tobacco industry (screenshot taken on June 10, 2021 from: <https://bit.ly/3zpT3hL>)



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. (ie COP 4 & 5, INB 4 5, WG)<sup>42</sup> (Rec 4.9 & 8.3)


Bolivia participated in the 1st., 2nd., 4th., 5th. and 7th. COPs, where the country's delegations were made up of public servants from the Ministry of Health and the country's Diplomatic Delegations. This fact does not guarantee that some representatives have been intervened by the industry before, during or after the COPs.

COP Lista de Participantes CMCT


N° Sesión	Delegado (s) bolivianos	Cargos	Página Web
Primera	Dr. F. Antezana	Asesor Principal en el despacho del Ministro de Salud y Deportes	<a href="https://apps.who.int/gb/fctc/PDF/cop1/FCTC_COP1_DIV2Rev1.pdf">https://apps.who.int/gb/fctc/PDF/cop1/FCTC_COP1_DIV2Rev1.pdf</a>
	G. Poggi Borda	Ministro Consejero	
Segunda	Dr. O. Cordero Lujan	Responsable de Enfermedades No Transmisibles, Ministerio de Salud y Deportes	<a href="https://apps.who.int/gb/fctc/PDF/cop2/ListofParticipantsrev.pdf">https://apps.who.int/gb/fctc/PDF/cop2/ListofParticipantsrev.pdf</a>
	Sin delegados	Sin delegados	
Tercera	Sin delegados	Sin delegados	<a href="https://apps.who.int/gb/fctc/PDF/cop3/COP3_DIV_2%20Rev2.pdf">https://apps.who.int/gb/fctc/PDF/cop3/COP3_DIV_2%20Rev2.pdf</a>
	Sin delegados	Sin delegados	
Cuarta	Dra. M. Valda de Castro	Directora General Asuntos Jurídicos, Ministerio de Salud y Deportes	<a href="https://apps.who.int/gb/fctc/PDF/cop4/COP4_DIV_Rev1.pdf">https://apps.who.int/gb/fctc/PDF/cop4/COP4_DIV_Rev1.pdf</a>
	Sr. W. Alanoca Álvarez	Responsable del Programa Tabaco, Ministerio de Salud y Deportes	
Quinta	Sr. W. Alanoca Álvarez	Experto, Ministerio de Salud	<a href="https://apps.who.int/gb/fctc/PDF/cop5/FCTC_COP5_DIV1_Rev1.pdf">https://apps.who.int/gb/fctc/PDF/cop5/FCTC_COP5_DIV1_Rev1.pdf</a>
	Sra. A.K. Garrón Monje	Directora de Asuntos Internacionales, Ministerio de Salud	
Sexta	Dr. J. D. Rada Noriega	Experto	<a href="https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_DIV1Rev1.pdf">https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_DIV1Rev1.pdf</a>
	Sin delegados	Sin delegados	
Septima	Sr. W. O. Alanoca Álvarez	Punto Focal Control Tabaco	<a href="https://www.who.int/fctc/cop/cop7/FCTC_Cover_LOP.pdf">https://www.who.int/fctc/cop/cop7/FCTC_Cover_LOP.pdf</a>
Octava	Delegados no identificados	Delegados no identificados	<a href="https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8_2Rev2-sp.pdf?ua=1">https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8_2Rev2-sp.pdf?ua=1</a>

<sup>42</sup> Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>



	0	1	2	3	4	5
<b>INDICATOR 2: Industry CSR activities</b>						
<p>5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives contributions<sup>43</sup>(monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)</p>				3		
<p>Directly, the tobacco industry does not have joint CSR projects with State Institutions. But CITSA does have CSR activities with the families of tobacco producers in the valleys of Santa Cruz, under the motto of "sustainable employment" (screenshot taken on June 10, 2021 from: <a href="http://www.citbolivia.com/empleo-sostenible">http:// www.citbolivia.com/empleo-sostenible</a></p>  <p>Furthermore, CITSA is an investment partner of one of the largest life and health insurance companies in Bolivia. This company called "Alliance of insurance and reinsurance", has a strong CSR campaign (screenshot taken on June 10, 2021 from: <a href="http://www.lalianza.com.bo/#!/#!">http://www.lalianza.com.bo/#!/#!</a></p>						

<sup>43</sup> political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
 <p>Likewise, the Association of Private Entrepreneurs of Bolivia donated 22 million Bolivians (equivalent to 3,160,000 USD) to face the pandemic caused by COVID 19. The only national private tobacco company, CITSA, is an active member of this Association, having been represented on several occasions by it.</p>						
<b>INDICATOR 3: Benefits to the Tobacco Industry</b>						
<p>6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (eg 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p> <p>De has shown, through an interview with a former Minister of Health, that the tobacco industry requested an extension of the time for the implementation of the pictograms. Likewise, the first draft of the Tobacco Law headed by the Ministry of Health was archived without further explanation, after several hard work efforts.</p> <p>Currently, Law No. 1280 on tobacco, approved in February 2020, has not yet been regulated, despite the fact that more than 10 months of the 180 peremptory days granted by the Law have passed (La Razón Newspaper, May 24, 2021)</p>					4	

# Tras 15 meses, la ley contra el tabaco aún no tiene un reglamento

AYLIN PEÑARANDA ■ LA PAZ

Un año y tres meses después de su promulgación, la Ley 1280 de Prevención y Control al Consumo de los Productos de Tabaco aún no cuenta con reglamento, lo que dificulta su aplicación plena.

"Como sociedad civil vemos con preocupación que no se está cumpliendo la ley, pero efectivamente es porque no hay una reglamentación", afirmó a LA RAZÓN la directora regional de la Fundación

**Sociedad.** La Ley 1280 no puede aplicarse plenamente por esta falencia

Interamericana del Corazón (FIC)-Bolivia, Karina Garrón.

La norma señala en su disposición transitoria primera que en un plazo de 180 días calendario desde la publicación de la ley ( febrero de 2020), "el Órgano Ejecutivo, a propuesta del Ministerio de Salud, aprobará el Decreto Supremo Reglamentario en el marco de la presente Ley y de la Ley N° 3029, que ratifica el "Convenio Marco para el Control del Tabaco", empero esto todavía es un tema pendiente.

El 31 de mayo se recuerda en el mundo el Día Mundial Sin Tabaco.

"Si bien la ley nos da la cancha donde tenemos que desenvolvernos, el reglamento nos indica cómo debemos jugar dentro de esa cancha. Entonces si nosotros tenemos prohibiciones en la ley, tenemos que reglamentar aparte cómo vamos a hacerlas efectivas; si la ley dice que hay infracciones leves, graves y gravísimas, la reglamentación nos tiene que decir cuáles son las sanciones leves, graves y gravísimas", puntualizó a LA RAZÓN el asesor legal de la FIC-Bolivia, Cristian Monje.

La ley establece en su segunda disposición transitoria que en tanto no exista este reglamento, quedará vigente "el Decreto Supremo N° 29376 de 12 de diciembre de 2007, en todo lo que no sea contrario a la presente Ley", no obs-

stante en este cuerpo legal no se especifica en detalle las sanciones en grados leves, graves y gravísimas como establece la Ley 1280, además de otros pormenores.

Para la FIC y la Alianza por la Salud, estos vacíos en la legislación dan paso a que algunos todavía se den maneras para no acatar la ley.

"Son alarmantes las estrategias de las industrias tabacaleras de llegar a los niños y jóvenes mediante publicidad engañosa, con productos que causan más daños, mediante la obstaculización de las imágenes que se encuentran en las cajetillas de cigarrillos (advertencias sanitarias) con cajas que se sobrepone, desde una tiendita que hay en una calle hasta un supermercado, donde vemos las luces imponentes, afiches (...), sitios donde van mayores y menores de edad", criticó Garrón.

**ESTUDIO.** De acuerdo con su evaluación, la ley todavía no cumple todos sus objetivos. "Las normas de prevención a la población no se están cumpliendo, la promoción, publicidad, patrocinio y comercialización de productos de tabaco tampoco y el etiquetado no está siendo manejado de la manera que debe ser", remarcó.

Un estudio de la Organización Mundial de la Salud (OMS) reflejó en 2020 que 43,7% de jóvenes del

país estuvieron expuestos a publicidad referente al tabaco.

La pandemia del COVID-19 llegó al país un mes después de promulgada la Ley 1280, tiempo que fue aprovechado para promover el tabaco, según la FIC.

"Han aprovechado en estos tiempos de COVID-19 para hacer una promoción de estos productos de tabaco de manera virtual, por WhatsApp, con ventas directas, utilizando a los influencers, a los canales como TikTok que llegan a los jóvenes y eso es para atraer la atención de ellos, por eso es necesario que si o si tengamos la reglamentación", aseveró Garrón.

Monje subrayó que el reglamento de la norma sería el puntapié para generar un control más efectivo y coordinado, pues a partir de esto los gobiernos subnacionales también podrían elaborar sus normativas internas.

La FIC, como parte de la sociedad civil que participó desde la promoción de esta nueva normativa, fue invitada por el Ministerio de Salud para diseñar el reglamento, sin embargo, el trabajo se paralizó hace unas tres semanas, indicó la directora.

LA RAZÓN trató de conversar con el Ministerio de Salud para conocer los avances pero, pese a la insistencia, no tuvo respuesta hasta el cierre de esta nota.

LA RAZÓN | LUNES, 24 DE MAYO DE 2021 | LA RAZÓN

7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)

2

It has not been possible to show that the State favors the tobacco industry with privileges or benefits directly. In the management 2020, between March and June, Bolivia was plunged into a rigid quarantine caused by COVID 19. For this reason, the State enacted a series of regulations in favor of economic reactivation, which favored many sectors, including the industries of the country. (Standards applied in times of pandemic in Bolivia: <https://bit.ly/3iRPKK6>)

## INDICATOR 4: Forms of Unnecessary Interaction

8. Top level government officials (such as President / Prime Minister or Minister<sup>44</sup>) 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)

5

The former president of the Private Entrepreneurs of Bolivia, Ronald Nostras Ardaya, who signs the letter sent to the Plurinational Legislative Assembly with the observations to Bill 1280, appears in various meetings with the President, Vice President and other national authorities, in formal meetings, negotiating with the Government policies that favor private entrepreneurs, of which CITSA is an active member (Photo downloaded on June 10, 2021 from: <https://bit.ly/3xvmllep>)

<sup>44</sup> Includes immediate members of the families of the high-level officials





Photo downloaded on June 10, 2021 from: <https://bit.ly/2SF996z>



Photo downloaded June 10, 2021 from: <https://bit.ly/3gqx2YD>

Likewise, at social events organized by private entrepreneurs, national and local authorities frequently attend. As is the case in the following photo, where the Governor of Cochabamba poses with private entrepreneurs (photo downloaded on June 10, 2021 from: <https://bit.ly/3zuFvS3>)



The current president of the Private Entrepreneurs of Bolivia, Luis Barber, in the 2019 management held a meeting with the President of the State to coordinate actions and work together for the progress of the country. It is not surprising that in these meetings, private entrepreneurs are shown as generators of sources of employment and the main engine of the national economy (Photo downloaded on June 10, 2021 from: <https://bit.ly/3pV0eKs>)



0 1 2 3 4 5

**Los empresarios privados expresan disposición de trabajar por Bolivia**

La Paz, 25 de marzo de 2019 (ABI).- El nuevo presidente de la Confederación de Empresarios Privados de Bolivia (CEPB), Luis Barbery, informó el lunes que, en la reunión que sostuvo su directorio con el presidente Evo Morales, se le expresó al Mandatario la disposición de los privados de trabajar por Bolivia.

Morales recibió a la nueva Directiva de CEPB, en la Casa del Pueblo, donde analizaron las preocupaciones del sector y los retos que se pueden encarar de manera conjunta para impulsar el desarrollo económico nacional.

"Fue una reunión muy positiva donde el sector empresarial privado, quienes nos estamos haciendo cargo de la conducción de la Confederación de Empresarios Privados de Bolivia, hemos podido manifestar preocupaciones, y también nuestra disposición de trabajar por Bolivia", dijo Barbery al salir del encuentro.

Según el empresario, los privados están dispuestos a promover la inversión, el desarrollo y la generación de empleo para dinamizar la economía nacional, y para eso se deben "afinar" algunos aspectos con las autoridades del sector.

"El escenario actual plantea la necesidad de hacer algunos ajustes, para eso habrá que sentarse con las autoridades competentes de cada caso, para ir en detalle, analizar y dinamizar la economía, y crecer como país", mencionó.

Por su parte, la ministra de Planificación, Mariana Prado, quien participó del encuentro, destacó la reunión, que fue la primera con la nueva dirigencia de los empresarios, e hizo eco de una frase que le dijo Barbery a Morales: "Hagamos equipo por Bolivia".

"Le tomamos la palabra", escribió Prado en su cuenta en Twitter, al terminar el encuentro.

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)

2

No evidence was found on the offer or participation of the tobacco industry in control operations or similar. But, the tobacco industry, through the Bolivian Association of Private Entrepreneurs, suggested modifications to Bill No. 1280, which under the excuse of affecting the economy and sources of employment, suggested the modification of articles that favored the industry. .

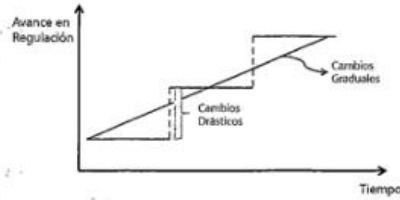
**OBSERVACIONES DE LA INDUSTRIA AL PROYECTO DE LEY No. PL-53-19**

**LEY DE PREVENCIÓN DEL CONSUMO Y CONTROL A LOS PRODUCTOS DE TABACO**

Apoyamos la intención de una norma dirigida a disminuir el consumo de tabaco, sin embargo, el exceso de algunas de las iniciativas planteadas, pueden generar el efecto opuesto, al crear condiciones para la proliferación del contrabando que oferte masivamente productos ilegales más baratos y accesibles, degenerando en un incremento del consumo de tabaco en la población.

**REGULACIÓN PARA CONTROL DE TABACO:**

La forma más efectiva de reducir sistemáticamente la incidencia de tabaquismo sin generar proliferación del contrabando, es la de implementar cambios graduales:



El efecto indeseado de incrementar drásticamente las regulaciones y prohibiciones, es el de una explosión en la presencia y penetración del contrabando. Esto es así puesto que el único sector que cumple las mayores restricciones y prohibiciones, es la industria y el comercio formales, limitando por ende las posibilidades del producto lícito y formal de competir contra el producto de contrabando o falsificado. La demanda insatisfecha generada por la ausencia de productos, ofertados lícitamente, será inmediatamente abastecida por el contrabando y la falsificación. El incremento de la actividad ilícita del contrabando tendría las consecuencias asociadas de incremento de criminalidad y disminución de los niveles de seguridad ciudadana. Pero el daño mayor en el incremento del contrabando sería que la prevalencia de fumadores podría inclusive aumentar y empeorar, pues el producto de contrabando se ofrecerá de manera generalizada, con productos más baratos, más accesibles y con un improbable nivel de cumplimiento del resto de las restricciones (advertencias de salud, impuestos, etc...). La mayor asequibilidad y accesibilidad, sumado al incumplimiento del resto de los aspectos regulatorios (advertencias sanitarias, etc...) generarán un incremento en la prevalencia de fumadores, haciendo que el remedio sea peor que la enfermedad. Existirá también el efecto en el proporcional deterioro que habría en el cobro de impuestos para el Estado, así como disminución de empleos y los efectos multiplicadores asociados.

**IMPORTANCIA DE LA CADENA PRODUCTIVA DEL TABACO:**

vigentes. El éxito de la efectividad de los cambios es buscar la gradualidad de los mismos, en reemplazo de cambios drásticos relativamente distanciados en el tiempo.

**OBSERVACIONES NORMA PROPUESTA:**

Consideramos razonable proponer los siguientes cambios en la norma propuesta, cada uno de los cambios con la justificación correspondiente:

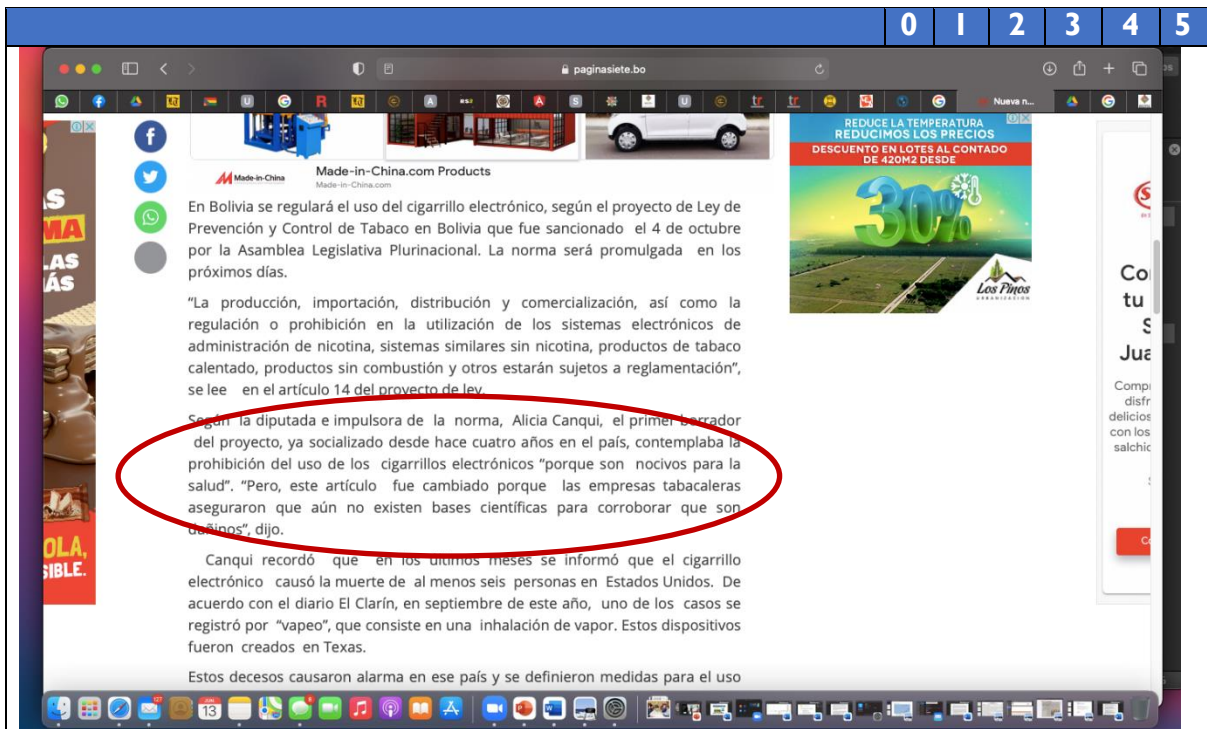
Redacción PL-63-19	Cambios Propuestos	Justificación
Art. 12, literal g): "[PROHIBICIONES DE COMERCIALIZACIÓN, IMPORTACIÓN Y VENTA). Se prohíbe: g) la producción, importación, distribución y comercialización del sistema electrónico de administración de nicotina, sistemas similares sin nicotina y productos de tabaco calentado de acuerdo a reglamentación."	Art. 12, literal g): "[PROHIBICIONES DE COMERCIALIZACIÓN, IMPORTACIÓN Y VENTA DE PRODUCTOS SIN COMBUSTIÓN). Se prohíbe: g) La producción, importación, distribución y comercialización del sistema electrónico de administración de nicotina, sistemas similares sin nicotina y productos de tabaco calentado o productos sin combustión de acuerdo a reglamentación específica, considerando un tratamiento distinto para aquellos productos que sobre la base de evidencia científica, quedan demostrados que los productos de tabaco de combustión."	En los cigarrillos electrónicos y los productos de tabaco calentado, el principio de funcionamiento es el mismo: hay calentamiento y no combustión. En ambos casos, se genera vapor y no humo, por lo tanto no hay alquitrán y esto implica una reducción de las emisiones tóxicas que se generan con la combustión y están presentes en el humo de los cigarrillos de combustión. Los sistemas electrónicos de administración de nicotina y los productos de tabaco calentado están dirigidos principalmente a reemplazar los cigarrillos de combustión, por lo que sería importante que el proyecto de ley permitiera evaluar estos productos en base a datos científicos y someterlos a un régimen distinto que permita incentivar la conversión de los fumadores a productos menos nocivos, sin llegar a atraer nuevos usuarios. Estos productos no deberían estar prohibidos bajo ningún aspecto, sino que deberían ser sujetos a un régimen normativo específico en base a evidencia científica objetiva en función de sus características particulares de reducción del daño.
No existe redacción en PL-63-19 que regule el uso de aditivos.	Art. 12, literal h): "[PROHIBICIONES DE COMERCIALIZACIÓN, IMPORTACIÓN Y VENTA). Se prohíbe: h) La distribución y venta de productos de tabaco que contengan aditivos que representen a través de evidencia científica, un mayor riesgo para la salud."	La industria y el comercio formales apoyan la regulación y reglamentación en el uso de aditivos e ingredientes en la fabricación de cigarrillos, siempre que la reglamentación tenga un enfoque objetivo proporcional al riesgo asociado al uso de estos aditivos, con un sustento basado en evidencia científica. Un tema tan relevante para la industria como la regulación en el uso de aditivos no puede quedar excluida del tratamiento de la presente Ley, pues se estaría dejando este crítico asunto a ser abordado por la vía de reglamentaciones de menor nivel en jerarquía legal. Es importante para la industria que la condición fundamental para la restricción en el uso de aditivos, que potencialmente efectúen las posteriores reglamentaciones, quede definida en la Ley (la demostración científica del mayor

10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)  
NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.

3

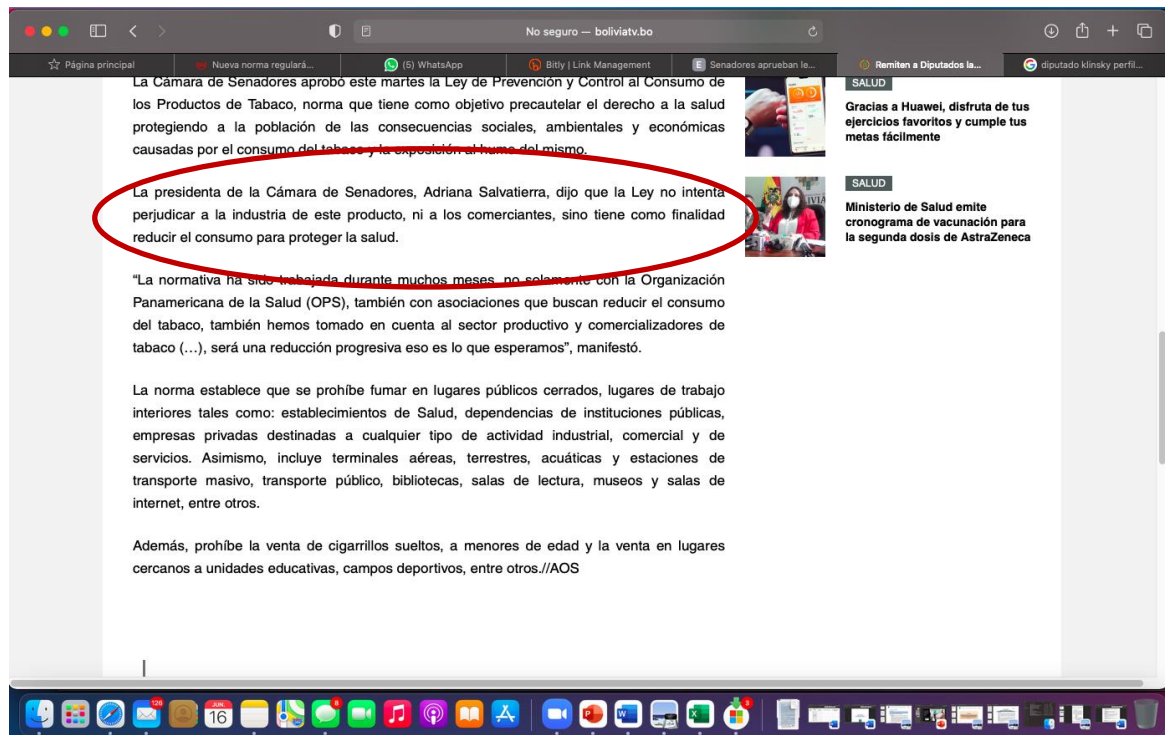
Specifically, one of the project deputies of Law 1280 made mention that the word "prohibition" of electronic cigarettes was removed from the Bill, because the tobacco industry assured that there is no scientific evidence on the damage they cause to the people's health, thus favoring the tobacco industry (Screenshot taken on June 10, 2021 from: <https://bit.ly/3goYIUJ>)





Likewise, according to statements by the then President of the Chamber of Senators of the Plurinational Legislative Assembly, the Project of what is now Law No. 1280, did not intend to harm the tobacco industry, denoting in this sense that the norm favors in a certain way industry measure (Screenshot taken on June 10, 2021 from:

<https://bit.ly/3gxau7S>



	0	1	2	3	4	5
<b>INDICATOR 5: Transparency</b>						
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)					4	
It is not the government's policy to disclose the content and conclusions of meetings held with the tobacco industry. This void causes some authorities to hold meetings with them or their representatives, with the aim of reaching a consensus or socializing the proposals for public policies, as was the case with the draft Law 1280.						
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
The national government does not have a registry of the tobacco industry, nor of lobbying bodies. The registry kept by the State is related to commercial matters, such as: taxes or agricultural production.						
<b>INDICATOR 6: Conflict of Interest</b>						
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)						5
The Law of Political Parties and Citizen Groups does not expressly prohibit the contribution or sponsorship of the tobacco industry to political parties for electoral campaigns.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)		1				
No evidence has been found in this regard, which does not imply that this fact does not happen.						
15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)			2			
No evidence has been found in this regard. According to statements by the director of FIC Bolivia, in the previous administration of the Plurinational Legislative Assembly, there were two assembly members who worked as consultants to the tobacco industry. Being such a sensitive issue, this fact is difficult to corroborate.						
<b>INDICATOR 7: Preventive Measures</b>						
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
The government does not have regulations or procedures that make transparent and disseminate interaction with the tobacco industry. Due to this legal vacuum, is that some former authorities, socialized the bill 1280 and the Municipal Law Project for the Control						

	0	1	2	3	4	5
of Tobacco of the Municipal Government of La Paz, without considering the implications of this fact.						
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)					4	
<p>The Plurinational State of Bolivia, has Law No. 2027 of the Statute of Public Officials, which in its Article No. 14, generally prohibits public servants from receiving gifts, gifts or gifts of any kind. But there is no specific rule that prohibits receiving sponsorship or gifts from the tobacco industry.</p> <p>This fact, added to the ignorance of the guidelines of Article 5.3 of the WHO FCTC, causes some authorities to engage in socialization and consultation meetings, as was the case with the process of treatment of Law No. 1280.</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)					4	
<p>The government does not obliges the tobacco industry to report expenditures for advertising, marketing, CSR, or lobbying. Only, there are data related to the payment of taxes or Law No. 3029 and its Regulatory Decree, oblige the industry to report annually the components of its products and the elements present in their smoke.</p>						
19. The government has a program / system / plan to consistently <sup>45</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
<p>No, there is no socialization and awareness plan regarding the FCTC and even less for the Guidelines of Article 5.3. This fact, added to the high turnover of personnel in public instances, causes public servants on duty to hold meetings with the tobacco industry.</p>						
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)					4	
<p>In addition to Law No. 2027 of the Public Official and the Law on the fight against corruption, illicit enrichment and investigation of fortunes "Marcelo Quiroga Santa Cruz",</p>						

<sup>45</sup>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.

	0	1	2	3	4	5
which only emphasize gifts and material contributions, the State does not have a regulation that prohibit or regulate the offer of advice, technical support or other support by the tobacco industry.						
<b>TOTAL</b>						<b>67</b>

## ANNEX A: SOURCES OF INFORMATION

### TOBACCO INDUSTRY ACTIVITY

#### LOCAL TOBACCO COMPANIES

Top 5 Tobacco Companies / distributors	Market Share and Brands	Source
Compañía Industrial de Tabaco SA (CITSA)	Own brands: Derby, Casino, Astoria, Camba, Master, Derby Licensed by Philip Morris International: L&M and Big Ben Import and trade: Marlboro.	<a href="http://www.citbolivia.com">http://www.citbolivia.com</a>
AIDSA (distributor)	CITSA brands	<a href="https://aidisashop.com/categoria-producto/cigarrillos/">https://aidisashop.com/categoria-producto/cigarrillos/</a>
BIS Overseas (JTI distributor)	Winston, Camel, LD, Benson & Hedges, Silk Cut, Sobranie, Glamor, and Natural American Spirit.	<a href="https://www.jti.com/es/americas/bolivia">https://www.jti.com/es/americas/bolivia</a>

#### TOBACCO INDUSTRY FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group / Affiliate / Individual)	Url
Association of trade unions of La Paz	Front group	Does not have

## NEWS SOURCES

Top 5 Newspaper / Dailies	Type (Print / Online)	Url
The reason	Print / online	<a href="https://www.la-razon.com">https://www.la-razon.com</a>
Page seven	Print / online	<a href="https://www.paginasiete.bo">https://www.paginasiete.bo</a>
Opinion	Print / online	<a href="https://www.opinion.com.bo">https://www.opinion.com.bo</a>
The newspaper	Print / online	<a href="https://www.eldiario.net/portal/">https://www.eldiario.net/portal/</a>
Now the town	Print / online	<a href="https://www.ahoraelpueblo.bo">https://www.ahoraelpueblo.bo</a>

## HELD MEETINGS / PUBLIC HEARINGS

Meeting type	Fountain
Interview with former Minister of Health	Notes
Interview with a Foreign Ministry official	Notes
Interview with former official of the Ministry of Health of the Mental Health Area	Notes
Interview with a journalist from the social and political area of the television channel	Notes
Interview with former vice minister of health	Notes
Interview with UDAPE official	Notes
Interview with PAHO technical staff in Bolivia	Notes
Interview with vice president of the Night Activities Association	Notes
Interview with Advisor to the Presidency of the Municipal Council of La Paz	Notes
Interview with the Executive Director of FIC Bolivia	Notes

## II. Laws, Policies and official notices:

### HEALTH LAWS:

1. Is there a database instituted by the Health Law? If yes, please indicate which one will be used and specify its limitations:

There is no database.

2. If there is no statutory health database, indicate the main source where legal information will be sought:

The legal information is sought in two pages that bring together all the laws in the country. The first, which is official and state, is the page of the Official Gazette:<http://www.gacetaoficialdebolivia.gob.bo>; and the second, which is a private law search engine, Infoleyes:<https://bolivia.infoleyes.com>.

3. Do the above sources cover official notices?  Yes  No

If this is not the case, please indicate the alternative source to access official notices

Yes, as a rule all Supreme Laws and Decrees must be published in the Official Gazette. In any case, the page of the Ministry of Health and Sports was consulted to consult specific Ministerial Resolutions: <https://www.minsalud.gob.bo/3287-al-dia-12-personas-mueren-por-consumo-de-tobacco-in-bolivia-health-take-preventive-actions>

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#### **ALL LAWS:**

4. Is there a centralized database that covers all laws? If yes, please indicate which one will be used and specify its limitations:

The legal information is sought on the official and state page of the Official Gazette: <http://www.gacetaoficialdebolivia.gob.bo>;

5. If there is no centralized legal database, please indicate the main source where legal information will be searched:

Additionally, the database of a private law search engine, Infoleyes, was consulted: <https://bolivia.infoleyes.com>.

6. Do the above sources cover official notices?  Yes  No

If this is not the case, please indicate the alternative source to access official notices:

Yes, as a rule all Supreme Laws and Decrees must be published in the Official Gazette