

VIETNAM

2021

TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX

# Introduction

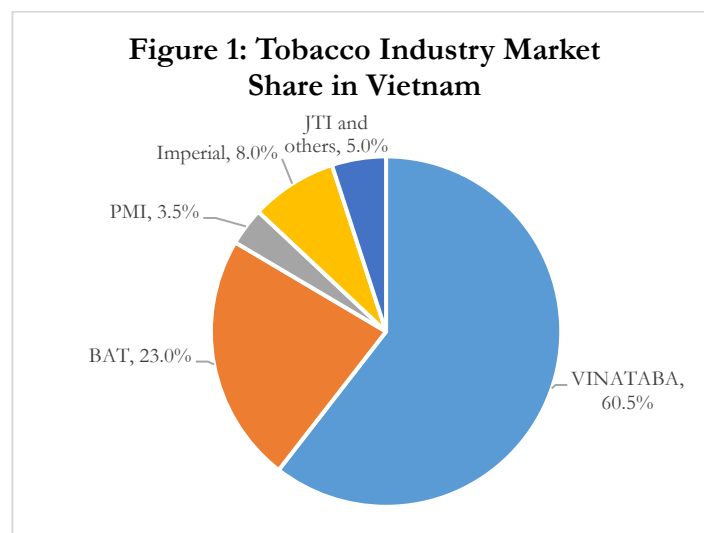
Vietnam has 17 million smokers with 45 percent of males and 1 percent of females are smokers. Annually, there are more than 40,000 deaths from tobacco-related diseases and the number will increase to 70,000 cases per year in 2030 if Vietnam fails to implement strong and effective tobacco control measures.<sup>1</sup>

The dominant component of the tobacco industry (TI) in Vietnam is state-owned. It belongs to the central government, Ministry of Finance and the Communist Party. The world's three biggest transnational tobacco companies have invested and operated in Vietnam through a joint venture and partnership with local companies in production and distribution of their tobacco products. These are British American Tobacco (BAT), Philip Morris International (PMI) and Japan Tobacco International (JTI). Figure 1 shows the main tobacco companies operating in Vietnam and their market share in 2018.<sup>2</sup>

This TI Interference Index is a civil society report assessing the implementation of FCTC Article 5.3 on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry and its guideline in Vietnam. The index provides evidence on measures and elements that contribute to enabling the tobacco industry to interfere with public health policy making and show how well the government is responding to the challenges posed by TI when applying Article 5.3 guidelines.

This report uses the Tobacco Industry Interference Index template and scoring guidelines developed by the Southeast Asia Tobacco Control Alliance based on the FCTC Article 5.3 Guidelines. Information used in this report is obtained from the public domain. The scoring ranges from 0-5, where the lower the score, the better the compliance with the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) Article 5.3.

Vietnam has shown progress in reducing the scores of tobacco interference index in recent years. For 2020 and 2019, Vietnam scored a total of 56 points while it had 58 points in 2018 and 61 points in 2017 and 72 points previously in 2016. However, TI interference remains strong and TI is finding new ways to sell more tobacco products, especially new tobacco products. Stronger action of Government in implementing FCTC Article 5.3 is needed to ensure effective implementation of tobacco control measures and in reducing smoking prevalence in Vietnam.



Source: GlobalData. (January 2020). Cigarette in Vietnam, Manufacture Market Shares 2018

<sup>1</sup> Lyvy DT, Bales S, Lam NT, Nikolayev L. (2006). The role of public policies in reducing smoking and deaths caused by smoking in Vietnam: Results from the Vietnam tobacco policy simulation model. *Soc Sci Med.* 2006; 62(7):1819–30. doi:10.1016/j.socscimed.2005.08.043.

<sup>2</sup> GlobalData. (January 2020). Cigarette in Vietnam, Manufacture Market Shares 2018

# Summary Findings

---

## 1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry influenced policy on ENDS/HTPs in Vietnam. The PMI has accessed Vietnam Directorate for Standards, Metrology and Quality to promote the promulgation of technical standards for new tobacco products in Vietnam. And in Dec 2020, the sets of national standards with heated tobacco products was issued by General Department of Standards, Metrology and Quality of Vietnam despite the fact that heated tobacco products has not been legally authorized to distribution on the Vietnam market yet.

## 2. INDUSTRY CSR ACTIVITIES

The partial ban on CSR activities of TI in Vietnam has made no difference to the extent the TI continues to conduct these activities. On the one hand, tobacco industry in Vietnam continues their traditional CSR activities in a broad range of donations to schools, construction of houses for the poor, loans to empowering women, career training program. On the other hand, they take advance of COVID 19 situation to provide their donation to health sectors, such as: JTI Vietnam cooperated with the Habitat for Humanity, a non-governmental organization, to implement the project on prevention of COVID-19 for people with disabilities in Vietnam; Vietnam National Tobacco Corporation (Vinataba) awarded VND 300 million and 1,000 protective on clothing and 2 disinfection chambers to support staff, doctors of Bach Mai Hospital to fight COVID 19. The TI's CSR activities usually receive endorsement and participation of government officials from provincial and district level.

## 3. BENEFITS TO THE INDUSTRY

Cigarettes are still a duty-free item for travelers and seafarers working on board a seagoing vessel on international routes.

Beside, Vietnam has extended its 3,000-ton duty-free quota for import of Cambodian dried tobacco leaves for 2021. The extension is part of the renewal process of a bilateral trade facilitation agreement for 2021–2022 reached by the 18th Cambodia-Vietnam Joint Commission meeting in December 2020 to benefit exports.

## 4. UNNECESSARY INTERACTION

Anniversary celebrations of tobacco companies still works as a convenient opportunity for the industry to invite and interact with high level government officials. In Oct 2020, Tobacco Institute One Member Limited Company held the 34th anniversary of establishment which was attended by the leaders of the Science and Technology Department - Ministry of Industry and Trade.

Since Vinataba is a government monopoly, the management mechanism enable them to have many chance to meet and force relationship with high level government officer from both Central as well as provincial level. For example: On the Lunar New Year occasion, Mr Nguyen Hoang Anh, member of the Party Central Committee, Chairman of State Capital Management

Committee at Enterprise visited and congratulated leaders and staff of Vietnam National Tobacco Corporation in celebration of the Lunar New Year; Leader of Bac Ninh province, Thanh Hoa, Lang Son provinces welcomed and had meeting with the delegation of Vinataba; the Chairman of State Capital Management Committee at Enterprise Nguyen Hoang Anh had a meeting with Mr. Guy Meldrum - Director of British American Tobacco Group (BAT) Asia - Pacific and the Middle East. At the meeting, Mr. Guy Meldrum expressed his desire to become a strategic partner of Vinataba in the process of equitization.

Collaboration between the government and tobacco companies in anti-smuggling enforcement is still in existence, which facilitates interaction.

## **5. TRANSPARENCY**

The government sees interaction with the tobacco industry as “normal”, so they are “open” about their interaction with tobacco industry. However, the detailed information on this interaction (with tobacco and other industries as well) were not always be available for public. The government also does not have procedure for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf.

## **6. CONFLICT OF INTEREST**

No new appointment of government official to tobacco industry. The appointment of staff from Ministry of Industry and Trade to VINATABA which happened in 2014 still remains in office and were promoted in 2020 (Mr. Ha Quang Hoa-Deputy Director of Department of Light Industry was appointed to be Vice Director of VINATABA in 2014, and then was appointed to be General Director of VINATABA in 2020; Mr. Ho Le Nghia, Vice Director of Industrial Policy and Strategy Institute was appointed to be in board member of VINATABA in 2014, become acted as the Party Secretary, and Chairman of the Members’ Council of VINATBA in 2018, and in 2020 he re-elected to be the Party Secretary of VINATABA in the new term).

## **7. PREVENTIVE MEASURES**

The government has not put in place a procedure for disclosing the records of the interaction with the tobacco industry, nor adopted or implemented a code of conduct for public officials. However, the Ministry of Health’s official dispatch No 6814/BYT-KCB to warn about PMI-funded Foundation for a Smoke-free World Foundation (FSFW) and call to not cooperate with FSFW, as well as circular No. 29/2019/TT-BYT that defined the processes of commenting, acquiring and modifying legal documents to reduce the interference of units which has conflict of interests in the process of development legal documents on health are both in effect.

The Ministry of Industry and Trade has a reporting regime and report forms for tobacco enterprises, tobacco supplier, tobacco distributors, wholesalers, and retailers. However, the government does not require the industry to submit information on TT’s marketing, lobbying and philanthropy.

## Recommendations

---

1. The government has to put in place a procedure for interaction with the TI, disclose all records of interaction with the tobacco industry and adopt a Code of Conduct for its officials when dealing with the tobacco industry.
2. Implement a full ban on all forms of tobacco industry related CSR activities as recommended in the FCTC.
3. Terminate the rotation of senior management positions between state management agencies and tobacco enterprise to avoid conflicts of interest situations.
4. The government must reject any partnership with tobacco industry in anti-smuggling initiatives as recommended in the WHO FCTC Protocol to Eliminate Illicit Trade in Tobacco Products.
5. The industry must be asked to submit information on marketing expenditures, lobbying and philanthropy.
6. Develop and implement the government program/system/plan to regularly raise and maintain awareness of FCTC Article 5.3 and how to comply with it across the whole of government.

## 2021 Tobacco Industry Interference Index Results and Findings

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
I. The government <sup>3</sup> accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry <sup>4</sup> in setting or implementing public health policies in relation to tobacco control <sup>5</sup> (Rec 3.1)					4	
<p>There was no tax increase on tobacco in 2020 and implementation of the enlargement of pictorial health warning was delayed. While direct interference of the tobacco industry to tax policy cannot be established, news reports of the smuggling problem continued to be reported in the media and the activities of the tobacco industry collaboration in addressing the problem.</p> <p>In 2020, Tien Giang Market Management Department collaborated with British American Tobacco (BAT) Marketing Representative Office (Singapore) Private Limited in Ho Chi Minh City, called BATMS to sign a cooperation agreement related to propaganda and education dissemination work in 2020. The scope of this cooperation includes: 1) Preventing smuggled and fake cigarettes in Tien Giang province; 2) Implementing legal propaganda and education activities for individuals and organizations engaged in the tobacco business in Tien Giang Province.<sup>6</sup></p> <p>On 19 October 2020, in Chau Doc City, the People's Committee of An Giang Province, the Steering Committee 389 of An Giang Province coordinated with the Vietnam Tobacco Association to organize a workshop on the “current situation and solutions to improve effectiveness of tobacco smuggling prevention and combat” in An Giang Province.<sup>7</sup></p> <p>On 4 November 2020, the Market Management Department of Long An Province cooperated with the Vietnam Tobacco Association to organize a conference on propaganda and prevention of smuggled cigarettes.<sup>8</sup></p> <p>On 19 November 2020, the Market Management Department of Ben Tre Province cooperated with the Vietnam Tobacco Association to hold a conference on propagating and disseminating legal provisions on tobacco business. The Director of Ben Tre Market Management Department, La Van Be attended the conference.<sup>9</sup></p> <p>On 20 November 2020, the Market Management Department of Tien Giang Province cooperated with BAT Representative Office in Ho Chi Minh City to hold a conference on</p>						

<sup>3</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>4</sup> The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

<sup>5</sup> “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

<sup>6</sup> Cooperation agreement between Tien Giang Market Management Department with British American Tobacco (BAT) Marketing Representative Office (Singapore) Private Limited in Ho Chi Minh City in 2020.

<sup>7</sup> <https://vnanet.vn/vi/anh/anh-thoi-su-trong-nuoc-1014/an-giang-hoi-thao-thuc-trang-va-giai-phap-nang-cao-hieu-qua-cong-tac-phong-chong-buon-lau-thuoc-la-5076627.html>

<sup>8</sup> <https://laodong.vn/thi-truong/long-an-quiet-liet-xu-ly-thuoc-la-lau-bay-ban-tren-thi-truong-852197.ldo>

<sup>9</sup> <https://baodongkhoi.vn/pho-bien-quy-dinh-moi-ve-kinh-doanh-thuoc-la-19112020-a80302.html>

	0	1	2	3	4	5
"propagating and disseminating legal provisions on tobacco business". Mr. Huynh Van Nguyen, Deputy Director of Department of Information Management, Tien Giang Province chaired the Conference. There were 155 participants, including 143 organizations and individuals that trade tobacco in Tien Giang Province. <sup>10,11</sup>						
<b>2. The government accepts, supports or endorses <u>policies or legislation drafted by or in collaboration with the tobacco industry.</u> (Rec 3.4)</b>				3		
<p>On 11 December 2020, the General Department of Standards, Metrology and Quality of Vietnam - Ministry of Science and Technology issued Decision 3458 / QQD-BKHHCN on the publication of 03 sets of national standards with three products: TCVN 1354 – 2020: Heated tobacco products determination of nitrogen oxides content; TCVN 1355 – 2020: Heated tobacco products determination of carbon monoxide content; TCVN 1356 – 2020: Heated tobacco products specification.<sup>12</sup> This legislative document is pro TI's proposal.</p> <p>In May 2019, the Vietnam Directorate for Standards, Metrology and Quality (STAMEQ) had a meeting with Philip Morris International (PMI) to discuss about the new tobacco products. At the meeting, PMI proposed to work with Standard Board to determine which tobacco product does not burn and burn in order to develop the Vietnam standards. Deputy Director General of STAMEQ also expressed the expectation to work with Philip Morris and highly appreciate the new generation tobacco products.<sup>1</sup> In 21 Aug 2019, in Hanoi, the Vietnam Standards and Quality Institute (VSQI) – under Vietnam Directorate for Standards, Metrology and Quality organized a workshop on "New generation cigarettes - Quality standards towards public health safety". At the workshop, there were representatives of many tobacco companies such as BAT, JTI, PMI,...and they spoke about the launch of harm reduction products and the need to develop technical standards for heated tobacco products.<sup>13</sup></p>						
<b>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)</b>				3		
<p>The tobacco industry (TI) including tobacco enterprises and their front groups frequently provide comments on tobacco control policy to the government, which are taken in consideration by the government:</p> <ul style="list-style-type: none"> <li>On 20 February 2020, the Vietnam Tobacco Association sent Official Letter 08/HHTL-CV to comment on the research results and proposed policies on e-cigarettes and heated tobacco management in Vietnam.</li> </ul>						

<sup>10</sup> <https://www.phapluatplus.vn/kinh-te-cong-nghe/khong-buon-ban-tang-tru-van-chuyen-thuoc-la-nhap-lauduoi-bat-ky-hinh-thuc-nao-d141429.html>

<sup>11</sup> <https://tiengiang.dms.gov.vn/tin-chi-tiet/-/chi-tiet/hoi-nghi-tuyen-truyen-pho-bien-cac-quy-%C4%91inh-cua-phap-luat-ve-kinh-doanh-thuoc-la-26179-5230.html>

<sup>12</sup> <http://www.vsqi.gov.vn/ban-hanh-quyet-dinh-cong-bo-03-tieu-chuan-quoc-gia-ve-thuoc-la-lam-nong-a326>

<sup>13</sup> <https://tcvn.gov.vn/2019/05/stameq-works-with-representatives-of-vinataba-philip-morris/?lang=en>

	0	1	2	3	4	5
<ul style="list-style-type: none"> <li>On 07 May 2020, Philip Morris International sent a letter to the Chairman of the Government Office to request the government to establish appropriate fiscal and regulatory frameworks for heated tobacco products and electronic cigarettes in Vietnam.</li> <li>In June 2020, three TI related organizations named CAPHRA, Factasia, and R Street Institute submitted their recommendation letters to the Prime Minister on policies related to the management of new tobacco products, e-cigarettes, and HTPs.<sup>14</sup> On 10 July 2020, the Government Office sent official dispatches to the Ministry of Health, the Ministry of Justice, the Ministry of Industry and Trade, the Ministry of Finance, and the Vietnam Social Insurance, requiring to study and report to the Prime Minister about the proposals and recommendations of these 3 organizations.<sup>15</sup></li> </ul>						
<p><b>4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 &amp; 5, INB 4 5, WG)<sup>16</sup> (Rec 4.9 &amp; 8.3)</b></p>		1				
No representative of tobacco industry participated in government delegation to COP8 in 2018.						
<b>INDICATOR 2: Industry CSR activities</b>						
<p><b>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)</b></p> <p><b>B. The government (its agencies and officials) receives contributions<sup>17</sup> (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)</b></p>						5
<p>On 18 January 2020, Khatoco held a ceremony to award scholarships for the school year 2018-2019 for 60 pupils and students who achieved high academic results. They are children of officials and employees working at the units of Khanh Viet Corporation.<sup>18</sup></p> <p>On 5 January 2020, JTI Vietnam cooperated with the Habitat for Humanity, a non-governmental organization, to implement the project on prevention of COVID-19 for people with disabilities in Vietnam. This project is funded by JTI Foundation with the amount of nearly VND 1.2 billion. JTI is the world's leading cigarette and electronic cigarette company which is under the parent company JT Group. Their products are distributed in more than 130 countries including Vietnam.<sup>19</sup></p>						

<sup>14</sup> Letter of CAPHRA, Factasia, and R Street Institute to the Prime Minister Nguyen Xuan Phuc about recommendation on policy to manage e-cigarettes and heated tobacco product. June 2020.

<sup>15</sup> Official Dispatch No 5630/VPCP-KGVX of Government Office dated 10 July 2020 on Recommendation of CAPHRA, Factasia, and R Street on harm reduction of tobacco products.

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

<sup>17</sup> political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

<sup>18</sup> <https://khatoco.com/tin-tuc/le-trao-hoc-bong-khatoco-nam-hoc-2018-2019/>

<sup>19</sup> <https://tapchitaichinh.vn/su-kien-doanh-nghiep/su-kien-doanh-nghiep/quy-jti-foundation-ung-ho-gan-12-ty-dong-phong-chong-dich-covid19-tai-viet-nam-323120.html>



On 27 February 2020, on the occasion of the 65th anniversary of the Vietnam Doctor's Day, Mr. Ngo Van Binh - Vice President of Trade Union, representative of Khanh Viet Corporation visited and presented congratulatory flowers to doctors who are doing medical work at Khatoco Khanh Hoa Tobacco Factory and Khanh Hoa General Hospital.<sup>20</sup>

On 27 March 2020, at the Office of the Vietnam National Tobacco Corporation (Vinataba), the Corporation's leader awarded VND 300 million and 1,000 protective clothing and 2 disinfection chambers to support staff, doctors of Bach Mai Hospital to fight COVID 19.<sup>21</sup>

On 18 April 2020, the Youth Union of Khanh Viet Corporation and Khanh Hoa Provincial Youth Union presented 5 sewing machines with cloth, which can only be used to make masks for Doan Vinh District. According to the industry, this activity had two goals: 1) Joining hands in the fight against the epidemic in the province; and 2) Contributing to create favorable conditions for career improvement.<sup>22</sup>

On 2 October 2020, the People's Committee of Bao Lam District, Cao Bang Province held a ribbon cutting ceremony to inaugurate the Ly Bon Kindergarten. Vinataba is one of the businesses that supported the construction of the school.<sup>23</sup>

On 3 October 2020, the People's Committee of Bao Lam District, Cao Bang Province coordinated with donors to organize the inauguration ceremony of Ly Bon Kindergarten, Ly Bon Commune, Bao Lam District. Representative of Vietnam Tobacco Corporation, Mr. Tran Duy Thai, Deputy General Director attended to inaugurate the school.<sup>24</sup>

On 17 October 2020, Dong Nai Food Industry Corporation (DOFICO) came to the Fatherland Front Committee of the province to give an amount of VND 500 million to support the people in the Central region and support the fund "for the poor" with the value of VND 100 million.<sup>25</sup>

On 22 October 2020, the Vietnam Tobacco Company (Vinataba) organized a fundraising ceremony to support the people in the Central Vietnam to overcome the consequences of long-lasting rain and flood. The total amount raised is nearly VND 1.6 billion.<sup>26</sup>

On 25 October 2020, the Youth Union of Khanh Viet Corporation implemented the program "October Journey" at Vanh Khuyen Kindergarten, Suoi Cat Commune, Cam Lam District, Khanh Hoa Province. The program organized "Fair 0đ" - distributing old clothes for people and children for free; giving 35 gifts to 35 poor ethnic households in 3 villages Suoi Lau 1,2,3; The delegation also donated to the Vanh Khuyen Kindergarten in Suoi Lau village 2 40-inch TV sets and a toy shelf for the children at the school. The total program budget is more than VND 28 million<sup>27</sup>

<sup>20</sup> <https://khatoco.com/tin-tuc/khatoco-tai-tro-120-trieu-dong-cho-phong-kham-benh-a-yersin-2020/>

<sup>21</sup> <http://baochinhphu.vn/Doanh-nghiep/Vinataba-ung-ho-Benh-vien-Bach-Mai-phong-chong-dich-COVID19/391183.vgp>

<sup>22</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/thanh-nien-khatoco-trao-tang-phuong-tien-sinh-ke-chung-tay-phong-chong-covid-19/>

<sup>23</sup> <http://baocaobang.vn/Thoi-su/Khanh-thanh-cong-trinh-Truong-Mam-non-Ly-Bon-Bao-Lam/78352.bcb>

<sup>24</sup> [http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category\\_id=49&menu\\_id=4&id=6101](http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category_id=49&menu_id=4&id=6101)

<sup>25</sup> <http://dofico.com.vn/9/dofico-ung-ho-dong-bao-cac-tinh-mien-trung-khac-phuc-thiet-hai-do-thien-tai-bao-lu-nam-2020-10248.html>

<sup>26</sup> <http://baochinhphu.vn/Doanh-nghiep/Vinataba-quyen-gop-ung-ho-dong-bao-mien-Trung/411665.vgp>

<sup>27</sup> <https://khatoco.com/chung/hanh-trinh-thang-10-cua-doan-thanh-nien-khatoco/>

	0	1	2	3	4	5
--	---	---	---	---	---	---

On 17 October 2020 at the opening ceremony of the school year 2020-2021 of Nha Trang University, Mr. Nguyen Thanh Tuyen - Deputy Head of Study Promotion Department of Khanh Viet Corporation (Khatoco) awarded 22 scholarships price VND 110 million (amounting to 4,769 USD) for the students.<sup>28</sup>

On 17 November 2020, representatives of Khanh Viet Corporation and BAT Vietnam visited and presented 800 gifts including blanket and VND 500,000 in cash to “support and share difficulties with people in the central floodplain.”<sup>29</sup>

On 6 November 2020, Khanh Viet Corporation distributed VND 400 million and 35,000 notebooks for the people of Central Vietnam.<sup>30</sup>

On 7 December 2020, Khanh Viet Corporation cooperated with Khanh Hoa Newspaper to hold a handover ceremony of a gratitude house to Mrs. Ho Thi Nhan's family, Tan Xuong 1 Village, Suoi Cat Commune, Cam Lam District, Khanh Hoa Province. This is a poor family in the commune without a permanent house.<sup>31</sup>

Updated on 31 December 2020, Vinataba has proactively and actively implemented social security and implemented the Government's Resolution 30a, contributing to job creation, income improvement, livelihood improvement, rapid and sustainable poverty reduction for people in remote areas with the total amount of more than VND13 billion, increased nearly 20% over the previous year. The Corporation has taken care of 22 Vietnamese heroic mothers, 5 serious wounded soldiers; built and donated 42 houses of gratitude, 26 charitable house; supported to build schools in Bao Lam and Bao Lac districts (Cao Bang); built houses of gratitude for former youth volunteers in Dak Lak Province, supported people affected by floods in the Central region and supported related units in the prevention of the Covid-19 epidemic.<sup>32</sup>

On 6 February 2021, Khanh Viet Corporation (Khatoco) in coordination with Khanh Hoa Radio and Television (KTV) and Ninh Da ward government handed over a house of gratitude to Mrs. Dao Thi Kim Chinh's family in Ninh Da Ward, Ninh Hoa Town. This is a household with difficult circumstances locally.<sup>33</sup>

On 8 February 2021, Khatoco and Tobacco Raw Material Company of Khatoco presented 1,000 gifts to people and union members in difficulty on the occasion of the Lunar New Year.<sup>34</sup>

### INDICATOR 3: Benefits to the Tobacco Industry

6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common	0					
---	---	--	--	--	--	--

<sup>28</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/tong-cong-ty-khanh-viet-tang-22-suat-hoc-bong-chap-can-huoc-mo-cho-sinh-vien-co-hoan-can-ho-kho-khan-hoc-gioi/>

<sup>29</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/khatoco-dong-hanh-chia-se-voi-dong-bao-vung-lu-mien-trung/>

<sup>30</sup> [http://www.congdoanhk.org.vn/tin-chi-tiet/id/6079/Tong-Cong-ty-Khanh-Viet-\(Khatoco\)-ho-tro-400-trieu-va-35-ngan-cuon-vo-cho-mien-Trung](http://www.congdoanhk.org.vn/tin-chi-tiet/id/6079/Tong-Cong-ty-Khanh-Viet-(Khatoco)-ho-tro-400-trieu-va-35-ngan-cuon-vo-cho-mien-Trung)

<sup>31</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/tong-cong-ty-khanh-viet-trao-nha-tinh-nghia-cho-gia-dinh-ba-ho-thi-nhan/>

<sup>32</sup> <https://baodautu.vn/nam-2020-vinataba-nop-ngan-sach-11590-ty-dong-d135872.html>

<sup>33</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/tong-cong-ty-khanh-viet-trao-tang-nha-tinh-nghia-cho-gia-dinh-chi-dao-thi-kim-chinh/>

<sup>34</sup> <https://khatoco.com/tin-tuc/trach-nhiem-xa-hoi/cong-doan-tang-1-000-suat-qua-cho-nguoi-dan-doan-vien-kho-khan-nhan-dip-tet-nguyen-dan/>

	0	1	2	3	4	5
<b>for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</b>						
<p>No.</p> <p>In 2020, the Ministry of Finance developed the Circular to guide printing, issuing, managing and use of electronic stamps for alcohol and tobacco products. The tobacco industry had requested for longer road map in applying electronic stamps in order to avoid rising costs and administrative procedures for the business.<sup>35-36-37</sup> However, the requests from the tobacco industry wasn't accommodated.</p> <p>On 30 March 2021, the Ministry of Finance has issued the Circular No 23/2021/TT-BTC on Guidelines for printing, issuing, managing and use of electronic stamps for alcohol and tobacco products. According to the Circular, each cigarette pack is affixed with an electronic stamp. The Circular will take effect beginning May 15, 2021.<sup>38,39</sup></p>						
<b>7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)</b>			<b>2</b>			
<p>In March 2021, Vietnam extended its 3,000-ton duty-free quota for import of Cambodian dried tobacco leaves for 2021.<sup>40</sup> The extension is part of the renewal process of a bilateral trade facilitation agreement for 2021–2022 reached by the 18th Cambodia-Vietnam Joint Commission meeting in December 2020 to benefit exports.</p> <p>According the Decree No. 100/2020 / ND-CP, dated 28/08/2020, on trading in duty-free goods (this Decree took effect on October 15, 2020, repealed Decree No. 167/2016 / ND-CP dated December 27, 2016): Seafarers working on board a seagoing vessel on international routes (including foreign-nationalized ships and Vietnamese-national ships on international routes) may purchase duty-free goods at seaports of class 1 and duty-free shops in Domestic service for personal needs and general living needs of seafarers aboard an international route while the ship is anchored at a Vietnamese seaport, the norm of each crew member once a ship is anchored at Vietnamese seaports for cigarettes: 200 cigarettes, or 20 cigars or 250 grams of tobacco.<sup>41</sup></p>						

<sup>35</sup> <https://congthuong.vn/tem-dien-tu-voi-ruou-thuoc-la-giam-chi-phi-va-co-lo-trinh-149838.html>

<sup>36</sup> <https://doanhnghiephoinhap.vn/tem-dien-tu-voi-ruou-thuoc-la-bao-ve-quyen-loi-cua-doanh-nghiep-nguoi-tieu-dung.html>

<sup>37</sup> <https://laodong.vn/lao-dong-cuoi-tuan/dan-tem-dien-tu-can-co-lo-trinh-866680.lido>

<sup>38</sup> Circular No 23/2021/TT-BTC on Guiding the printing, issuing, managing and use of electronic stamps for alcohol and tobacco product. Available in: <https://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-23-2021-TT-BTC-in-phat-hanh-quan-ly-su-dung-tem-dien-tu-ruou-thuoc-la-470146.aspx>

<sup>39</sup> <https://thuonghieucongluan.com.vn/tu-ngay-15-5-thuoc-la-ruou-se-phai-dan-tem-dien-tu-a131420.html>

<sup>40</sup> <https://tobaccoreporter.com/2021/03/23/vietnam-extends-duty-free-import-quota-for-cambodian-leaf/>

<sup>41</sup> Decree No 100/2020/NĐ-CP, dated 28 Aug 2020, on duty free business. Available at <https://thuvienphapluat.vn/van-ban/Xuat-nhap-khau/Nghi-dinh-100-2020-ND-CP-kinh-doanh-hang-mien-thue-410609.aspx>

	0	1	2	3	4	5
According the Decree No 134/2016/NĐ-CP dated 01/09/2016 on Guidelines for the Law on export and import duties: International travellers coming into Vietnam can bring in duty free: 200 cigarettes, or 20 cigars or 250 grams of tobacco. <sup>42</sup>						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
<b>8. Top level government officials (such as President/ Prime Minister or Minister<sup>43</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)</b>						<b>5</b>
<p>On 30 January 2020, Mr Nguyen Hoang Anh, member of the Party Central Committee, Chairman of State Capital Management Committee at Enterprise, visited and congratulated leaders and staff of Vietnam National Tobacco Corporation in celebration of the Lunar New Year.<sup>44</sup></p> <p>On 5 February 2020, Mr. Nguyen Nhan Chien, Member of the Party Central Committee, Secretary of the Provincial Party Committee, Head of the Delegation of the National Assembly Delegation of Bac Ninh Province welcomed and worked with the delegation of Vietnam Tobacco National Corporation. At the meeting, the leaders and former leaders of the province gave the symbolic gift of Bac Ninh Province to the leader of Vinataba.<sup>45</sup></p> <p>On 2 March 2020, the Chairman of State Capital Management Committee at Enterprise Nguyen Hoang Anh had a meeting with Mr. Guy Meldrum - Director of British American Tobacco Group (BAT) Asia - Pacific and the Middle East. At the meeting, Mr. Guy Meldrum expressed his desire to become a strategic partner of Vinataba in the process of equitization.<sup>46,47</sup></p> <p>On 24 June 2020, the Vice Chairman in charge of the Lang Son Provincial People's Committee Ho Tien Thieu chaired a reception for a working delegation from the Vietnam National Tobacco Corporation (Vinataba) led by Chairman of its Members' Council Ho Le Nghia. Speaking at the meeting, Mr. Nghia thanked provincial officials for supporting Vinataba's activities. He expressed his hope that provincial leaders continue directing agencies, units and districts to coordinate in managing and developing tobacco so as to build a stable and high-quality material region.<sup>48,49</sup></p> <p>On 4 August 2020, Vietnam National Tobacco Corporation (Vinataba) held the 5th Patriotic Emulation Congress, period 2015 - 2020. Mr. Nguyen Hoang Anh - member of the Party</p>						

<sup>42</sup> Decree No 134/2016/NĐ-CP, dated 01/09/2016, on Guidelines for the Law on export and import duties. Available at: <https://thuvienphapluat.vn/van-ban/Xuat-nhap-khau/Decree-134-2016-ND-CP-guidelines-for-the-law-on-export-and-import-duties-326662.aspx?tab=1>

<sup>43</sup> Includes immediate members of the families of the high-level officials

<sup>44</sup> [http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category\\_id=17&menu\\_id=4&id=6009](http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category_id=17&menu_id=4&id=6009)

<sup>45</sup> <http://baobacninh.com.vn/web/bbn/news/-/details/20182/lanh-ao-tinh-tiep-lam-viec-voi-tong-cong-ty-thuoc-la-viet-nam>

<sup>46</sup> <https://kinhtechungkhoan.vn/tap-doan-thuoc-la-lon-thu-hai-the-gioi-quan-tam-den-co-phan-hoa-vinataba-61134.html>

<sup>47</sup> [http://cms.gov.vn/xem-chi-tiet/-/asset\\_publisher/WqvULR6gmpvh/Content/tap-oan-british-american-tobacco-mong-muon-tiep-tuc-hop-tac-tai-viet-nam?478153](http://cms.gov.vn/xem-chi-tiet/-/asset_publisher/WqvULR6gmpvh/Content/tap-oan-british-american-tobacco-mong-muon-tiep-tuc-hop-tac-tai-viet-nam?478153)

<sup>48</sup> <https://baolangson.vn/en/economy/11472-leaders-of-lang-son-peoples-committee-vinataba-meet.html>

<sup>49</sup> <https://congthuong.vn/giai-phap-phat-trien-ben-vung-vung-nguyen-lieu-thuoc-la-139429.html>

	0	1	2	3	4	5
Central Committee, Chairman of State Capital Management Committee at Enterprise attended and directed speeches at the congress. <sup>50</sup>						
On 5 August 2020, the Party Committee of the Vietnam Tobacco Corporation (Vinataba) held the third congress, term 2020-2025. Attending and directing the meeting were Comrade Y Thanh Ha Niê K'am, Alternate Member of the Party Central Committee, Secretary of the Party Committee of the Central Business Division; Mr. Le Van Chau, Deputy Secretary of the Central Businesses Bloc Party Committee; Mr. Cao Quoc Hung, Deputy Minister of Industry and Trade; Comrade Nguyen Van Nhan, member of the Central Economic Committee. <sup>51</sup>						
On 14 September 2020, Mr. Nguyen Hoang Anh - Member of the Party Central Committee, Chairman of the State Capital Management Committee at Enterprises and the delegation of the Committee had a meeting with Vietnam National Tobacco Corporation (Vinataba) to support the company businesses in solving difficulties and problems to promote production and business activities in the coming time. <sup>52</sup>						
On 19 October 2020, at the first National Emulation Congress of the State Capital Management Committee at Enterprises, Vietnam Tobacco Corporation (Vinataba) received the Government's Emulation Flag for its excellent performance in the emulation movement period 2015 - 2020. <sup>53</sup>						
On 09 October 2020, Tobacco Institute One Member Limited Company held the 34th anniversary of establishment and launched a new head office at 133 Nguyen Trai Street, Thanh Xuan District, Hanoi. Attending the ceremony were leaders of the Science and Technology Department - Ministry of Industry and Trade. <sup>54</sup>						
On 2 March 2021 Mr. Do Minh Tuan - Deputy Secretary of the Provincial Party Committee, Chairman of Thanh Hoa Provincial People's Committee chaired the meeting with the delegation of Vietnam National Tobacco Corporation led by Mr. Ho Le Nghia - Chairman of the Board of Members of Vietnam Tobacco Corporation as the team leader. Attending the meeting were the Vice Chairman of the Provincial People's Committee Nguyen Van Thi, leaders of related departments, branches and units; leaders of the departments of the Vietnam National Tobacco Corporation, leaders of Thang Long Tobacco Company Limited, Thanh Hoa Tobacco Company Limited and Ha Trung District. <sup>55</sup>						
<b>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</b>						<b>5</b>

<sup>50</sup>[http://cmsc.gov.vn/web/guest/xem-chi-tiet/-/asset\\_publisher/WqvULR6gmpvh/Content/vinataba-thi-ua-yeu-nuoc-gan-voi-y-thuc-trach-nhiem-cua-tung-can-bo-cong-nhan-vien?1143279](http://cmsc.gov.vn/web/guest/xem-chi-tiet/-/asset_publisher/WqvULR6gmpvh/Content/vinataba-thi-ua-yeu-nuoc-gan-voi-y-thuc-trach-nhiem-cua-tung-can-bo-cong-nhan-vien?1143279)

<sup>51</sup><https://dangcongsan.vn/xay-dung-dang/nang-cao-vai-tro-cua-to-chuc-dang-tai-tong-cong-ty-thuoc-la-560896.html>

<sup>52</sup><https://congthuong.vn/cung-co-phan-trien-vinataba-thanh-tong-cong-ty-nha-nuoc-dan-dau-trong-linh-vuc-thuoc-la-143747.html>

<sup>53</sup>[http://cmsc.gov.vn/web/guest/xem-chi-tiet-vinataba/-/asset\\_publisher/34kSuCABhOgA/Content/vinataba-vinh-du-on-nhan-co-thi-ua-cua-chinh-phu?1282056](http://cmsc.gov.vn/web/guest/xem-chi-tiet-vinataba/-/asset_publisher/34kSuCABhOgA/Content/vinataba-vinh-du-on-nhan-co-thi-ua-cua-chinh-phu?1282056)

<sup>54</sup>[http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category\\_id=17&menu\\_id=4&id=6103](http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category_id=17&menu_id=4&id=6103)

<sup>55</sup><https://thanhhoa.gov.vn/portal/Pages/2021-3-2/Chu-tich-UBND-tinh-lam-viec-voi-doan-cong-tac-cua-8zly2a.aspx>

	0	1	2	3	4	5
<b>to minors. (including monetary contribution for these activities) (Rec 4.3)</b>						
<p>The government required tobacco manufactures to provide fund for smuggling control following the Circular 306/2016/TT-BTC of Ministry of Finance and Directive 04/CT-BCT on 24/03/2015 of Ministry of Industry and Trade. It is compulsory contribution under the request of government so that it could not consider as Government receive funding from TI. However, besides using money from TI for smuggling control, the Government also considered TI as a partner and cooperated with TI in smuggling control.</p> <p>On 20 October 2020, the Government Office issued the Dispatch No 8750/VPCP-V.I to Ministries, People Committee of Provinces/Central City, Standing Office of the Steering Committee 389, and Vietnam Tobacco Association to convey the Prime Minister's direction on strengthening the prevention and control of tobacco smuggling. Accordingly, the Prime Minister asked the Vietnam Tobacco Association to coordinate with ministries, branches, localities and functional forces to destroy confiscated smuggled cigarettes; promptly discussing and providing information about organizations and individuals that smuggle, transport, store and trade smuggled cigarettes.<sup>56</sup></p> <p>In 2020, the Provincial Market Management Department cooperated with the Vietnam Tobacco Association, BAT Vietnam Company and relevant agencies to organize the destruction of smuggled cigarettes in Phu Yen Province (26/2/2020)<sup>57</sup>, Long An Province (June 16, 2020<sup>58</sup>, November 19, 2020<sup>59</sup>), Kien Giang Province (November 23, 2020)<sup>60</sup>.</p> <p>The Provincial Market Management Department, the Provincial 389 Steering Committee cooperated with the Vietnam Tobacco Association and relevant agencies to organize the destruction of smuggled cigarettes in Khanh Hoa Province (March 25,2021)<sup>61</sup>, Thai Binh Province (July 27, 2020)<sup>62</sup>, Gia Lai Province (December 1, 2020)<sup>63</sup>.</p> <p>On 27 October 2020, the inspection team was led by the Market Management Team, the Investigation Police Department on Economic, Corruption-related Crimes and Smuggling (PC03) - Binh Duong Police and the representative of BAT checked household business for the illegal cigarette in Tan Uyen Town, Binh Duong Province.<sup>64</sup></p> <p>On 27 November 2020, the Market Management Department of Binh Phuoc Province cooperated with the Vietnam Tobacco Association to inspect and directly sanction the smuggling tobacco in business establishments in the Dong Xoai City.<sup>65</sup></p>						

<sup>56</sup> Dispatch No 8750/VPCP-V.I of the Government Office dated 20 Oct 2020 on strengthening the prevention and control of tobacco smuggling. Available at: <https://thuvienphapluat.vn/cong-van/Thuong-mai/Cong-van-8750-VPCP-V-I-2020-tang-cuong-cong-tac-chong-buon-lau-thuoc-la-456329.aspx>

<sup>57</sup> <https://laodong.vn/kinh-te/thong-ke-tieu-huy-11410-bao-thuoc-la-dieu-nhap-lau-883961.ldo>

<sup>58</sup> <https://tiedung.vn/bao-ve-ntd/long-an-dong-nai-to-chuc-tieu-huy-thuoc-la-ngoai-nhap-lau-42129.html>

<sup>59</sup> <https://laodong.vn/kinh-te/tieu-huy-gan-300000-khau-trang-y-te-va-87690-bao-thuoc-la-nhap-lau-856003.ldo>

<sup>60</sup> <https://laodong.vn/kinh-te/tieu-huy-dot-dau-tien-121620-goi-thuoc-la-nhap-lau-trong-15-nam-857038.ldo>

<sup>61</sup> <https://www.phapluatplus.vn/phap-luat-plus/khanh-hoa-tien-hanh-tieu-huy-gan-35000-bao-thuoc-la-nhap-lau-d151845.html>

<sup>62</sup> <https://thuonghieucongluan.com.vn/tieu-huy-54-990-bao-thuoc-la-nhap-lau-tai-thai-binh-a109180.html>

<sup>63</sup> <http://www.antv.gov.vn/tin-tuc/kinh-te/bat-qua-tang-3-phuong-tien-hut-cat-trom-tren-song-tien-322477.html>

<sup>64</sup> <https://laodong.vn/thi-truong/vu-tang-tru-thuoc-la-lau-khung-chuyen-cong-an-dieu-tra-truy-cuu-hinh-su-849395.ldo>

<sup>65</sup> <https://bptv.vn/news/15/119852/kiem-tra-xu-ly-nghiem-tinh-trang-buon-ban-thuoc-la-lau>

	0	1	2	3	4	5
On 24 March 2020 the Vietnam Tobacco Association presented an amount of VND 50 million to the fleet 1 - Anti-smuggling Investigation Department - General Department of Customs for achievements in arresting ships transporting illegal cigarettes. <sup>66,67</sup>						
<b>I0. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)</b> <b>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</b>		1				
On 30 March 2021, in Hanoi, the Party Committee of Vietnam National Tobacco Corporation and Ha Trung District Party Committee, Thanh Hoa province held a signing ceremony of the Regulation on work coordination between the two Party Committees. The regulation on work coordination is built on the basis of the Regulation No. 197-QD/TW of the Secretariat of the Communist Party, dated 24 November 2008, on “The promulgation of the regulation on public coordination between the Party Committee of economic groups, National corporations and the local party committee”. The contents of work coordination to ensure maintaining and enhancing the Party's leadership role; to enhance the leadership and direction of the Vietnam National Tobacco Corporation over its member unit, Thanh Hoa Tobacco Company; at the same time associated with the leadership and direction of the local Party Committee is Ha Trung District Party Committee, where Thanh Hoa Tobacco Company is located in the area. <sup>68</sup> While this activity was conducted accordance to national law, this still shows the government’s support and endorsement of the tobacco industry.						
<b>INDICATOR 5: Transparency</b>						
<b>I1. 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)</b>		1				
No changes during this period. The Vietnamese government is “open” about their interactions with tobacco industry as this interaction has been seen as “normal” according to Vietnam law and practice. However, detailed information on these interactions (with tobacco and other industries as well) are not always available to the public.  Some kind of meetings/interactions between the government and the TI were recorded in the Question 8 and 9 above.						
<b>I2. 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)</b>						5
No						
<b>INDICATOR 6: Conflict of Interest</b>						

<sup>66</sup> <https://haiquanonline.com.vn/trao-thuong-thanh-tich-triet-pha-hon-3-trieu-bao-thuoc-la-lau-123048.html>

<sup>67</sup> <https://tieu dung.vn/bao-ve-ntd/long-an-dong-nai-to-chuc-tieu-huy-thuoc-la-ngoai-nhap-lau-42129.html>

<sup>68</sup> [http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category\\_id=50&menu\\_id=4&id=6150](http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category_id=50&menu_id=4&id=6150)

	0	1	2	3	4	5
<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)</b>		1				
No changes during this period. Being different from other countries, Vietnam is a one-party-lead country. There is no competitive election campaign. All candidates are recruited and proposed by People Council in negotiation of Fatherland Front (umbrella of many mass and professional organizations).						
<b>14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)</b>	0					
No evidence during this period has been found.						
<b>15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)</b>						5
<p>No new evidence was found during this period. The staff appointed from MOIT to VINATABA in 2014 still remain in office and were promoted in 2020:</p> <ul style="list-style-type: none"> <li>On 31 December 31, 2014, Mr. Ha Quang Hoa-Deputy Director of Department of Light Industry (MOIT) was appointed to be Vice Director of VINATABA.<sup>69</sup> Previously, Mr. Ha Quang Hoa had hold the position of Deputy Director of Department of Light Industry from 7/2009 to 12/2014.</li> </ul> <p>In September, 2020, Mr. Ha Quang Hoa was appointed to be member of the Members' Council of the Vietnam National Tobacco Corporation according to the Decision No 429/QĐ-UBQLV dated 21/9/2020 of State Capital Management Committee at Enterprise; and then was appointed to be General Director of VINATABA according to the Decision No 368/QĐ-TLVN dated 24/9/2020 of VINATABA.<sup>70</sup></p> <ul style="list-style-type: none"> <li>On 30 December 2014 Mr. Ho Le Nghia, Vice Director of Industrial Policy and Strategy Institute (MOIT) was appointed to be in board member of VINATABA<sup>71</sup>. Since 1 Sept 2018, Mr. Ho Le Nghia officially acted as the Party Secretary, and Chairman of the Members' Council, replacing Mr. Vu Van Cuong, who retired according to the applicable policy.<sup>72,73</sup></li> </ul> <p>In August 2020, at the Party Congress of Vietnam National Tobacco Corporation, Mr. Ho Le Nghia was re-elected to be the Party Secretary of VINATABA in the new term.<sup>74</sup></p>						

<sup>69</sup><http://hoavictjsc.com/tin-tuc-su-kien/tin-tuc-nganh-thuoc-la/tong-cong-ty-thuoc-la-viet-nam-bo-nhiem-pho-tong-giam-doc-moi.html>

<sup>70</sup> <https://thanhtra.com.vn/thong-tin-doanh-nghiep/bo-nhiem-tong-giam-doc-vinataba-171794.html>

<sup>71</sup> [http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category\\_id=17&menu\\_id=4&id=294](http://www.vinataba.com.vn/default.aspx?page=news&do=detail&category_id=17&menu_id=4&id=294)

<sup>72</sup> <https://news.zing.vn/vinataba-de-cu-lanh-dao-39-tuoi-vao-vi-tri-chu-tich-tong-cong-ty-post836944.html>

<sup>73</sup> [http://www.moit.gov.vn/CmsView-EcoIT-portlet/html/print\\_cms.jsp?articleId=12660](http://www.moit.gov.vn/CmsView-EcoIT-portlet/html/print_cms.jsp?articleId=12660)

<sup>74</sup> <https://tienphong.vn/ong-ho-le-nghia-lam-bi-thu-dang-uy-tong-cong-ty-thuoc-la-viet-nam-post1263208.tpo>



	0	1	2	3	4	5
<b>INDICATOR 7: Preventive Measures</b>						
<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)</b>						<b>5</b>
No procedure was developed during this period.						
<b>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)</b>				<b>3</b>		
No changes in this period but the Ministry of Health's official dispatch No 6814/BYT-KCB to warn about PMI-funded Foundation for a Smoke-free World Foundation (FSFW) and call to not cooperate with FSFW, as well as circular No. 29/2019/TT-BYT that defined the processes of commenting, acquiring and modifying legal documents which contributes to reduce the interference of units which has conflict of interests in the process of development legal documents on health are both in effect. <sup>75</sup>						
<b>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)</b>			<b>2</b>			
<p>No changes in this period.</p> <p>According to the Article 41, Decree No. 67/2013/ND-CP of the Government on Elaborating some articles and measures for implementation the law on tobacco harm prevention applicable to tobacco trading<sup>i</sup>, tobacco industry should report to the Ministry of Industry and Trade and Ministry of Finance.</p> <p><b>Article 41. Reporting regime</b></p> <p>.....</p> <p>3. Every tobacco supplier shall send reports on the production and types of tobacco they manufacture or trade (according to the distribution, wholesaling, retailing system) to the licensing authority and the Service of Industry and Trade of the province where their head office is situated.</p> <p>4. Every tobacco distributor, wholesaler, and retailer shall send reports on their business to the licensing authority and the Industry and Trade Agency where their head office is situated.</p> <p>5. Every investor in tobacco cultivation, trader of tobacco ingredients, tobacco distributor, wholesaler, and retailer shall send reports on their business to the licensing authority and the Industry and Trade Agency where their head office is situated.</p>						

<sup>75</sup> Decree No. 67/2013/ND-CP of the GOV. Available at: <https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Thong-tu-29-2019-TT-BYT-xay-dung-ban-hanh-va-to-chuc-trien-khai-thi-hanh-van-ban-phap-luat-y-te-439712.aspx>

	0	1	2	3	4	5
<p>6. Every tobacco manufacturer shall send reports on the tobacco manufacturing and trading to the Ministry of Industry and Trade and the Ministry of Finance, including: the production quantity, export quantity, import quantity, sales, sale prices, special excise duty, VAT payable on each brand.</p> <p>7. Every enterprise that manufactures tobacco or processes tobacco ingredients shall send the Ministry of Industry and Trade reports on the import and use of machinery and equipment for tobacco manufacturing, tobacco ingredients, cigarette paper in the period, the manufacture, trading, and processing of tobacco ingredients .</p> <p>8. The Ministry of Industry and Trade shall provide guidance the reporting regime and report forms for Services of Industry and Trade, Industry and Trade Chambers, enterprises that manufacture tobacco, process tobacco ingredients, trade in tobacco ingredients, invest in tobacco ingredients, tobacco supplier, tobacco distributors, wholesalers, and retailers.</p> <p>It seems to that information on lobbying, philanthropy, political contributions of TI is not required to submit to the government.</p>						
<p><b>19. The government has a program / system/ plan to consistently<sup>76</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)</b></p>					<b>4</b>	
<p>No changes in this period. Ministry of Communication and Information issued the Dispatch No.4324/BTTTT-PC (issued on 21 Dec 2018) directing the press agency to intensify communication on implementation of the TC Law and implementing FCTC related to tobacco advertising, promotion and sponsorship is still in effect. <sup>77</sup> However, there is no specific program on creating awareness om Article 5.3.</p>						
<p><b>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)</b></p>			2			
<p>No changes in this period.</p> <p>Law No.27/2012/QH13 of the National Assembly dated 23 Nov 2012, on “Amending and supplementing a number of articles of the anti-corruption law” regulates:</p> <p>Article 40- Giving presents and receiving gifts by public servants</p> <p>2. Public servants must not receive money, properties or other material interests of agencies, organisations, units and/or individuals involved in affairs which they are settle or fall under their respective management.</p> <p>3. It is strictly forbidden to take advantage of the giving and receipt of gifts to bribe or perform other acts for self-seeking interests.</p>						

<sup>76</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.

<sup>77</sup> <https://baotainguyenmoitruong.vn/xa-hoi/kiem-soat-phong-chong-tac-hai-cua-thuoc-la-nghiem-cam-moi-hanh-vi-quang-cao-thuoc-la-truc-tiep-1263771.html>

4. The Government shall specify the giving and receipt of gifts and submission of gifts by public servants.

Decision No 64/2007/QĐ-TTg of the Government dated 10 May 2007 on “Promulgating the regulation on giving, receipt and hand over of gifts by state budget – funded agencies, organizations and units and cadres public employees and servants” regulates:

- Article 9- Agencies and units may only receive gifts in accordance with law. These gifts must be disclosed, managed and used according to this Regulation.

Representatives of agencies and units shall refuse gifts that are given in contravention of the prescribed regime, criteria and recipients and clearly state the reasons to gift givers. When it is impossible to refuse, agencies and units shall manage and dispose of gifts according to Section 3 of this Regulation.

- Article 10- Cadres, public employees and servants may only receive gifts in accordance with law and shall acknowledge receipt with their signatures; and shall declare their incomes when required by law.

Cadres, public employees and servants shall refuse gifts that are given in contravention of the prescribed regime, criteria and recipients, clearly stating the reasons to gift givers. When it is impossible to refuse, cadres, public employees and servants shall report to the head(s) of their agencies or units for disposal according to Section 3 of this Regulation.

Directive No. 21-CT / TW of the Central Committee on promoting thrift practice and waste combat regulates:

3. Leaders and managers at all levels who do not attend festivals and activities of cutting ribbon in the inauguration, ground breaking, opening ceremony ... if not assigned by competent authorities.

5. Key leaders of ministries, branches and localities do not join the delegation of enterprises going abroad or are invited by foreign enterprises. Organization and units are not allowed to organize travel abroad for officers by the state budget.

While the law is comprehensive to cover all forms of corruption, however the government still requires tobacco industry to provide fund and offer assistance to government agencies in smuggling control (mentioned in Q1, Q2, Q3, Q9) that conflicts with the recommendations of WHO FCTC. The Illicit trade protocol clearly states no TI involvement in anti-smuggling measure.

## ANNEX A: SOURCES OF INFORMATION

### TOBACCO INDUSTRY ACTIVITY

#### LOCAL TOBACCO COMPANIES

Top 5 Tobacco Companies/distributors	Market Share and Brands	Source
Vietnam National Tobacco Corporation (VINATABA)	Market share of Vinataba in 2018: 60.5% Brands of Vinataba: Vinataba, Tourism, Souvenir, Thang Long, Tam Dao, Aroma, Hoan Kiem, Thu Do, Bastion	GlobalData. (January 2020). Cigarette in Vietnam, 2019.
Dong Nai Tobacco Co.	Brands: Bastos, Tri An, Coker, Dotax, Donagold and Donataba	Euromonitor International, Report on Cigarettes in Vietnam in July 2017
Khanh Viet Corp	Brands: Sea Bird, Prince KTC, Warhorse, Nhatrang, Dulich, White Horse and Everest	Euromonitor International, Report on Khanh Viet Corp in Tobacco (Vietnam) in Dec 2014
Sai Gon Industry Corp	Brands: Sai Gon Classic, Sai Gon Green, Cotab, Vitab, Hoa Binh, Fasol, 555, Pall Mall, Dunhill, Marlboro	Website of Saigon Tobacco company Operational capacity of Saigon Tobacco Company. 15/08/2016]; Available from: <a href="http://www.saigontabac.com.vn/vn/default.aspx?c=104">http://www.saigontabac.com.vn/vn/default.aspx?c=104</a> .

#### TOBACCO INDUSTRY FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	URL
Vietnam Tobacco Association (VTA)	Affiliate	<a href="https://vta.net.vn/">https://vta.net.vn/</a>
Association of Vietnam Retailers (AVR)	Affiliate	<a href="http://www.hiephoibanle.com/">http://www.hiephoibanle.com/</a>
Vietnam Chamber of Commerce and Industry (VCCI)	Affiliate	<a href="http://vccinews.com/">http://vccinews.com/</a>
Vietnam Consumer Protection Association	Affiliate	<a href="http://hoibaeventdn.org/">http://hoibaeventdn.org/</a>

#### NEWS SOURCES

Top 5 Newspaper/Dailies	Type (Print/Online)	URL
Lao Dong	Online/Print	<a href="http://Laodong.com.vn">Laodong.com.vn</a>
Thanh nien	Online/Print	<a href="http://Thanhnien.vn">Thanhnien.vn</a>
New Hanoi	Online/Print	<a href="http://Hanoimoi.com.vn">Hanoimoi.com.vn</a>
Nhan dan	Online/Print	<a href="http://www.nhandan.com.vn/">http://www.nhandan.com.vn/</a>
Dai bieu nhan dan	Online/Print	<a href="http://www.daibieunhandan.vn/">http://www.daibieunhandan.vn/</a>

<sup>i</sup> Legal Document Online Library. Decree No. 67/2013/ND-CP of the GOV on Elaborating some articles and measures for implementing the law on tobacco harm prevention applicable to tobacco trading. Available from: <https://thuvienphapluat.vn/van-ban/Thuong-mai/Nghi-dinh-67-2013-ND-CP-huong-dan-kinh-doanh-thuoc-la-196542.aspx>