

COSTA RICA

2020

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Acknowledgements

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Global Tobacco Industry Interference Index is a global survey of how public health policies are protected from the industry's subversive efforts, and how governments have pushed back against this influence. The Tobacco Industry Interference Index was initiated by the South-East Asia Tobacco Control Alliance (SEATCA) as a regional report and with support from Bloomberg Philanthropies' Stopping Tobacco Organizations and Products (STOP), is part of a global publication of the Global Centre for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University.

Costa Rica, San José, April 30th, 2020.

lower the score, indicates the better the country's effort to protect itself from tobacco industry interference.

Summary Findings

Costa Rica has an overall total score of 49 points.

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The government does not accept, support or endorse offers of assistance from the tobacco industry in setting or implementing public health policies. The Ministry of Health, who leads in the regulation of tobacco control, has managed to resist the tobacco industry's efforts to weaken marketing regulation and advertising.

However, the Mixed Commission Against Illicit Trade, an inter-ministerial body that, although it was created to fight against smuggling in general, the incorporation of industry representatives Tobacco companies (Chambers of Commerce) may threaten compliance with the Framework Convention on Tobacco Control and its guidelines in Costa Rica. The Mixed Commission Against Illicit Trade provides opportunities to participate in industry-initiated anti-smuggling campaigns and lobby to under-mine the advances in the regulation and control of tobacco in the country.

2. INDUSTRY CSR ACTIVITIES

Regarding the participation of government officials in corporate social responsibility activities organized by the tobacco industry or its representatives, the participation of both executive officers and local governments was documented. The tobacco industry carries out these activities to distance its image from the harmful nature of tobacco, they are public relations strategies that are being supported by the government with its mere assistance.

The assistance or support of government representatives (executive or local) positions tobacco companies as a benevolent industry, associating the authority and credibility of the authorities with the community or the media. For example, a PMI sponsored forum by the Costa Rica-American Chamber of Commerce (AmCham) on gender equality and women's labor where Vice Minister of the Ministry of Labor and Social Security was a panel speaker.

3. BENEFITS TO THE INDUSTRY

The special treatment by the Executive and Legislative Power towards the tobacco industry was documented by protecting it during a tax reform where the sales tax (VAT) calculation excludes tobacco. In the same legislative exercise, he benefited from a special article for the lower calculation of the tax base and, on the other hand, with a tax amnesty, which was given to taxpayers in arrears with the State. This represents preferential treatment for defaulters, including the tobacco industry.

International travelers entering Costa Rica can bring in duty free 400 sticks of cigarettes, or 50 cigars or 500g of tobacco.

4. UNNECESSARY INTERACTION

The interaction of the tobacco industry through its representatives was documented, both in social events and technical assistance in training on smuggling issues, for example, donations to government agencies dedicated to fiscal issues. The unnecessary interactions of the tobacco industry create an image of partner or ally that weakens the separation of private interests in public institutions, as this will facilitate their interference in the establishment of tobacco regulation and control policies.

5. **TRANSPARENCY**

It was documented that the government does not have established mechanisms to hold its officials accountable for the interactions and meetings they have with the tobacco industry. Pressures from the tobacco industry regarding the regulation of cigarette advertising on the presidency and ministries were documented. The lack of transparency opens up opportunities for the industry to lobby for postponement of the directive on pack display ban and the exemption for sales tax for tobacco. But the interaction of representatives of the industry with the Minister of Health, who is attached to the provisions of article 5.3 of the FCTC, also makes the National Anti-Smoking Network participate as an observer.

6. **CONFLICT OF INTEREST**

No evidence of tobacco industry interference events related to the conflict of interest was found.

7. **PREVENTIVE MEASURES**

The Costa Rican government does not have a mechanism to prevent tobacco industry interference in tobacco control policies. There are no official mechanisms for accountability for meetings and lobbying, there is no code of conduct with established standards or procedure for inter-acting with the tobacco industry, there are no programs to educate on the Framework Convention on Tobacco Control in government agencies, and there is no policy for the rejection or prohibition of acceptance of any contribution or gift from the tobacco industry or its representatives. The implementation of corrective actions on these four aspects would strengthen the performance of government agencies in the field of tobacco control and reduce interference from the tobacco industry.

Recommendations

There is important progress in tobacco regulation in the country. Many countries in the Americas region still face great challenges in tobacco control and regulation. As the tobacco industry produces alternative tobacco products and creates new mechanisms to position them in the market, governments must strengthen their state institutions (not influenced by IT or its representatives) and prepared to protect the population. Based on the aforementioned indicators, and taking into account that there is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policies, the following is recommended to be developed by the Ministry of Health, through the Tobacco Control Program and in coordination with other institutions in the corresponding sectors.

- a) Create a code of conduct with minimum standards for the interaction of government officials with the tobacco industry in accordance with the provisions of Article 5.3 of the Framework Convention on Tobacco Control and its guidelines.

- b) Have a National Plan for Tobacco Control with intersectoral and civic society participation, which considers within the strategic actions the promotion and (or) awareness-raising directed at all public powers on the Framework Convention for Tobacco Control and article 5.3.
- c) Establish a transparent official mechanism to record the interactions that government representatives have with the tobacco industry, in accordance with the provisions of Article 5.3 of the Framework Convention on Tobacco Control and its guidelines.
- d) Establish a policy to reject acceptance of any form of contribution or gift from the tobacco industry.
- e) Include in the strategic actions of the Observatory Surveillance and Intervention Strategies Health for compliance with Law No. 9028 (OVEIS) monitoring actions on implementing the tobacco industry to the detriment of Article 5.3.

Costa Rica: 2020 Tobacco Industry Interference Index

Results and Findings

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INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ⁵ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ⁶ in setting or implementing public health policies in relation to tobacco control ⁷ (Rec 3.1)	x					
<p>No evidence was found regarding the government accepting, supporting or endorsing offers of assistance from the tobacco industry in setting or implementing public health policies.</p> <p>In this particular case, evidence was found that the Ministry of Health, who led the issues of tobacco control and regulation in the health field, did a good job of managing the tobacco industry's demands on the severity of marketing regulation and advertising.^{8 9}</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)	x					
<p>Costa Rican government has set a legal framework for tobacco control and regulation as follows:</p> <ul style="list-style-type: none"> • General Law on Tobacco Control and its harmful effects on health (2012) • Regulation to the General Law of Tobacco Control and its harmful effects on Health (2012) • Regulation of labeling of tobacco products and their derivatives (2013) • Commission for the regulation of the labeling of tobacco products (2018) <p>During the observation period of this report (2018-2019), was created the Commission for Tobacco Products Labeling Regulation through a Ministry of Public Health decree (Resolution 1593). In this case, no evidence of tobacco industry interference was found in the creation and approval of this resolution.¹⁰</p>						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)					x	
<p>The tobacco industry channels its mechanisms of opinion, influence, lobbying and pressure through the chambers of commerce in the country. For example, Philip Morris International and British American Tobacco Central America & Caribbean are members of the Costa Rican-American Chamber of Commerce (AmCham). The British American Tobacco Central America & Caribbean is a member of the Costa Rican British Chamber of Commerce (BritCham), also,</p>						

⁵ 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

⁶ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁷ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁸ <https://www.nacion.com/el-pais/salud/empresarios-se-quejan-ante-salud-por/IBETF4SF4NF7BHI5ZIGKD4VQJI/story/>

⁹ <https://www.crhoy.com/nacionales/empresarios-se-quejan-por-regulaciones-y-publicidad-antitabaco/>

¹⁰ http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=86917&nValor3=113002&strTipM=TC

holds the board second vice-presidency. As well, both tobacco companies are members of the Costa Rican Union of Chambers and Associations of the Private Business Sector (UCCAEP).^{11 12}
 13 14

It has been well documented that the tobacco industry tries to interfere at the regulatory and executive level in the Presidency of the Republic, the Legislative Assembly, the Ministry of Finance and the Ministry of Health.¹⁵

One case that could be documented is the Mixed Commission Against Illicit Trade. This commission was created in 2014 through the presidential decree No. 38410-MEIC-G-SP-S-H. It is represented by senior officials from five ministries and a prosecutor's office. In 2016, the government made a decree modification to add two members to the Commission: A representative of the Costa Rican Union of Chambers and Associations of the Private Business Sector (UCCAEP) and A representative of the Costa Rican-American Chamber of Commerce (AmCham). Additionally, a Technical Committee was created where two chairs were also reserved for the two representatives of the chambers of industries.^{16 17}

Although, this Commission does not have a normative or legislative character, five of its members can do so or influence their Ministries or the Governing Council (Economy, Health, Public Security, Agriculture and Finance). Some of the documented actions of this commission, in particular its tobacco industry representatives, include anti-smuggling campaigns, smuggling damages to health and training of officials. Furthermore, the participation of the Chambers represents an evident conflict of interest.^{18 19 20 21}

4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ²² (Rec 4.9 & 8.3)		x				
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The Costa Rican government delegation to the COP does not allow participation of the tobacco industry. Sponsorship for conference attendance was also not documented.

Eighth Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control²³
 Chief delegate:

¹¹ https://untobaccocontrol.org/impldb/wp-content/uploads/Costa_Rica_2018_report.pdf
¹² <https://www.amcham.cr/miembros/?cn-s=tobacco&cn-cat=>
¹³ <http://britchamcr.com/en/en/>
¹⁴ <https://www.uccaep.or.cr/index.php/about/camaras-asociadas.html>
¹⁵ <http://www.rednacionalantitabaco.com/wp-content/uploads/2012/06/El-%C3%A9xito-de-la-industria-tabacalera-en-Costa-Rica.pdf>
¹⁶ <http://reventazon.meic.go.cr/informacion/gaceta/2014/mayo/semana03/decreto38410.pdf>
¹⁷ http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=77288&nValor3=0&strTipM=TC
¹⁸ <https://adiariocr.com/nacionales/conflicto-de-interes-en-comisiones-juntas-directivas-y-ministerios/>
¹⁹ <https://www.hacienda.go.cr/noticias/15061-comision-mixta-contracomercio-ilicito-intensifica-acciones-contrala-venta-de-mercancias-ilegales-en-el-pais>
²⁰ <https://www.hacienda.go.cr/noticias/15043-funcionarios-aduaneros-se-capacitan-en-temas-de-propiedad-intelectual>
²¹ <https://amcham.cr/en/amcham-se-une-a-lucha-contrael-comercio-ilicito/>
²² Please annex a list since 2009 so that the respondent can quantify the frequency,
<http://www.who.int/fctc/cop/en/>
²³ https://www.who.int/fctc/cop/sessions/cop8/LOP_Final.pdf?ua=1

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B. The government (its agencies and officials) receives contributions ²⁹ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						
<p>Philip Morris International reported that in 2018 it carried out two corporate social responsibility activities with two non-governmental organizations (Hogar Siembra and World of Opportunities Foundation) for \$ 60,000.00. There is no public access CSR report for 2019. The British American Tobacco reported no activities in Costa Rica. There were also no reports of political contributions found in the country.³⁰</p> <p>A search was made on the areas of interest of the tobacco industry to carry out CSR activities (environment, disasters, education, poverty and empowerment of women) and two cases could be documented, one with the central government and the other with local governments.</p> <p>In this sense, the identified activities are implemented through the chambers of commerce to which they belong, as previously described, they represent the TI interests.</p> <p>In the first case, the Costa Rican-American Chamber of Commerce (AmCham) held a forum on gender equality and women's labor participation, focusing on PMI's internal corporate practices on this issue. The vice minister of the Ministry of Labor and Social Security, Natalia Álvarez and representatives of the National Institute for Women participated in this activity as panel speakers.^{31 32}</p> <p>The second documented case concerns a CSR project between AmCham and PMI. The project "Building the best version of me" focuses on the integral development of women (200 participants) as entrepreneurs and people. It was implemented in collaboration with an NGO and had the support of four municipalities (Belén, Santa Ana, Escazú and San José).³³</p> <p>No evidence was found of contributions from the tobacco industry directly to the government, its agencies or government officials.</p>						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	x					
<p>No evidence was found of accommodation of requests for a longer time frame to the tobacco industry by the government in the implementation of laws.</p> <p>The legal and regulatory framework implemented in Costa Rica is:³⁴</p> <ul style="list-style-type: none"> • General Law of Tobacco Control and its harmful effects on health in force since March (2012). • Regulations to the General Law on Tobacco Control and its harmful effects on health June (2012).³⁵ 						

²⁹ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

³⁰ <https://www.pmi.com/who-we-are/standards/transparency>

³¹ <https://www.amcham.cr/amcham-celebro-foro-de-equidad-de-genero-para-promover-mas-participacion-laboral-de-las-mujeres/>

³² <https://www.amcham.cr/amcham-foro-de-equidad-de-genero-busca-promover-una-mayor-participacion-laboral-de-las-mujeres/>

³³ <https://amcham.cr/proyecto/philip-morris-rse-2019/>

³⁴ https://untobaccocontrol.org/impldb/wp-content/uploads/Costa_Rica_2018_report.pdf

³⁵

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=72804&nValor3=89027&strTipM=TC

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<ul style="list-style-type: none"> Ministry of Labor DAJ-D-162-2012 scope of the law on smoking control in labor relations according to the law and regulations July (2012). Ministry of Security Directive 01-2013 DGFP Police Action Protocol in the application of the General Law of Tobacco Control and its harmful effects on health. (2013). Subscription to the Illegal Tobacco Trade Treaty (2013). Regulation of Labeling of Tobacco Products and its Derivatives (2013).³⁶ Ministry of Health DM5940 -2014 on ratification of the Illicit Trade Treaty (2014). Vice-Ministry of the Presidency DVMP-FRM-209-2015 on the draft approval of the Illegal Trade Protocol, file 19448. (2015) Draft law approving the protocol for the elimination of illicit trade in tobacco products, File No. 19,448, This bill was voted on in the Legislative Assembly (2016). Commission for the regulation of the labeling of tobacco products (2018) 						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						x
<p>Two cases were documented in which the tobacco industry had privileges on the tax issue.</p> <p>The first case refers to the approval and implementation of Law 9635, “Strengthening of public finances” (2018). In the case of tobacco, the law includes an exemption in which the tax base for the calculation of the sales tax (VAT) does not include the tax regulated in the General Law of Control of Tobacco and its Harmful Effects on Health. The documentation suggests that this exemption was established since the formulation of the bill and was not modified or discussed in the legislative assembly.³⁷</p> <p>The second documented case refers to Law 9036, “Transformation of the Institute of Agrarian Development (IDA) into the Institute of Rural Development (Inder), where a 2.5% tax is established on cigarettes made in the country with national and imported tobacco. This law also taxes alcoholic and carbonated beverages. By the end of 2018, these industries owed the Inder ₡45,636 million (\$ 79.3 million). “Strengthening of public finances” Law in 2018 included a tax amnesty for the total forgiveness of interests and part of the tax fines for taxpayers defaulting with the State. Although this amnesty was of general application, it is considered a privilege because it is applied to a specific tax, it was carried out in the midst of a fiscal crisis, the destination of the tax is for rural benefit and the tobacco industry should be fairly treated as Article 5.3 describes.³⁸</p> <p>International travellers entering Costa Rica can bring in duty free 400 sticks of cigarettes, or 50 cigars or 500g of tobacco.³⁹</p>						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ⁴⁰) meet with/ foster relations with the tobacco companies						x

³⁶

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=75275&nValor3=93278&strTipM=TC

³⁷ <https://adiariocr.com/nacionales/productos-de-tabaco-esquivan-parte-del-iva/>

³⁸ <https://www.nacion.com/el-pais/servicios/cerveceras-tabacaleras-y-empresas-de-bebidas/55H5FJCFIVFWJOV2WP6CEGYKXQ/story/>

³⁹ <https://www.iatatravelcentre.com/CR-Costa-Rica-customs-currency-airport-tax-regulations-details.htm>

⁴⁰ Includes immediate members of the families of the high-level officials

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such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						
The Costa Rican-American Chamber of Commerce (AmCham)'s forum on gender equality and women's labor participation, is a private function of a corporation, PMI's internal corporate practices on this issue. The Vice Minister of Labor, Natalia Álvarez and representatives of the National Institute for Women's participation in this activity as panel speakers is a form of unnecessary interaction as described in Indicator No. 5. ^{41 42}						
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)					x	
Interactions of the tobacco industry in assistance in relation to contraband searches were documented. In the first case, the Costa Rica British Chamber of Commerce (BritCham) donated 20 Armor Life Lab brand bulletproof vests worth \$12,000 to the Ministry of Finance Control Police. ⁴³ The second case, the Costa Rica British Chamber of Commerce (BritCham) implements a program of kidnapping prevention, related to anti-corruption and anti-contraband directed at municipal police, penitentiaries and the Fiscal Control Police (PCF) by foreign experts. ⁴⁴						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	x					
No evidence was found on other types of alliances or agreements to those already documented in relation to corporate social responsibility and law enforcement activities.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)				x		
The most obvious mechanism of interaction between the tobacco industry and the government is the Mixed Commission Against Illicit Trade, as described on indicator 3, but also, it has been documented interactions that led to benefit on the tobacco industry. In 2018, the Minister of Health resigned her position two months after having established a directive ordering the withdrawal of advertising, promotion and sponsorship of cigarette packs in supermarkets. The presidential statement informing this resignation indicated that it was due to health problems of the official. She denied this version a few months later and blamed tobacco companies and supermarkets for lobbying for her resignation. ⁴⁵						

⁴¹ <https://www.amcham.cr/amcham-celebro-foro-de-equidad-de-genero-para-promover-mas-participacion-laboral-de-las-mujeres/>

⁴² <https://www.amcham.cr/amcham-foro-de-equidad-de-genero-busca-promover-una-mayor-participacion-laboral-de-las-mujeres/>

⁴³ <https://www.larepublica.net/noticia/camara-de-comercio-britanico-costarricense-dona-chalecos-antibalas>

⁴⁴ <https://adiariocr.com/nacionales/policia-de-control-fiscal-recibe-donacion-de-britcham/>

⁴⁵ <https://semanariouniversidad.com/pais/exministra-de-salud-denuncia-que-presion-de-tabacaleras-la-saco-del-gobierno/>

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The president focused on affirming that he would sustain the validity of the directive and on appeals not to create news based on rumors. The newly appointed Minister of Health reaffirmed his commitment to tobacco control and regulation. ^{46 47}						
The approval of the tax exemption on the calculation of the tax base for the calculation of the value added tax, arose from the presidency and was not modified or questioned in the legislative assembly. This suggests that both the presidency and the legislature do not publicly disclose the meetings or interactions they may have had with the tobacco industry which could have lobbied for the exemption, worth ₡3,214 million (UD\$5.7million) a year. ⁴⁸						
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)						x
The government has not established rules for the disclosure or registration of tobacco industry entities, affiliated organizations and individuals acting on their behalf.						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)	x					
There is no specific rule to prohibit contributions from the tobacco industry, but articles 124 and 125 of the Electoral Code regulate and prohibit the contributions of foreign natural persons and national and foreign legal persons. ⁴⁹						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	x					
No evidence was found of retired or retired senior public officials forming part of the tobacco industry.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	x					
No evidence was found of government officials and their families holding positions in the tobacco industry.						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						x
The government does not have a mechanism to document or disclose records of interactions with the tobacco industry and its representatives. However, there is a draft bill to regulate lobbying in public administration. Since its formulation, there has been no progress to convert it into law. ⁵⁰						

⁴⁶ <https://www.nacion.com/el-pais/politica/ministro-de-salud-no-vamos-a-derogar-la/PQHm6RVQ7BDMFNxOVCLPCK4V/DQ/story/>

⁴⁷ <https://www.nacion.com/el-pais/politica/carlos-alvarado-afirma-que-directriz-antitabaco/KM6L2LZHVRfVDBZE5ETWRNNJNY/story/>

⁴⁸ <https://adiariocr.com/nacionales/productos-de-tabaco-esquivan-parte-del-iva/>

⁴⁹ <https://www.tse.go.cr/pdf/normativa/codigoelectoral.pdf>

⁵⁰ https://issuu.com/josuealfaro6/docs/proyecto_de_ley_sobre_lobby_y_gesti

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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)					x	
<p>The government has not formulated or implemented a code of conduct for public officials establishing the minimum standards that they must abide by when interacting with the tobacco industry.</p> <p>Some agencies such as the Ministry of Finance have a code of ethics and conduct, however, this does not make any reference to the ministerial relationship with the tobacco industry.⁵¹</p> <p>The latest report from Costa Rica on the implementation of the Framework Agreement refers to the intention of the Ministry of Health to implement a Code of Conduct for officials in the 2018-2022 administration, derived from holding a workshop for this purpose. No progress in creating the code has been done.⁵²</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)				x		
<p>The government requests some categories of information:</p> <p>For example, the Central Bank of Costa Rica requests production information for the construction of the Monthly Index of Economic Activity for the estimation of GDP. The tobacco industry is listed in Group C - Manufacturing, final regime: Food Products. It is not possible to access this information by specific products.⁵³</p> <p>The National Institute of Statistics and Censuses collects information on average household consumption expenditures, including tobacco, every five years.⁵⁴</p> <p>However, there is no requirement for the tobacco industry to provide information on their market share, marketing expenditures, revenues and any other activity, including lobbying and philanthropy.</p>						
19. The government has a program / system/ plan to consistently ⁵⁵ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						x
<p>The government does not have a program, system, or plan to consistently raise awareness in its agencies about policies related to Article 5.3 Guidelines of the Framework Convention on Tobacco Control.</p>						

⁵¹ https://www.hacienda.go.cr/docs/5b0c27aa4c871_CODIGO%20DE%20BUEN%20GOBIERNO.pdf

⁵² https://untobaccocontrol.org/implied/wp-content/uploads/Costa_Rica_2018_report.pdf

⁵³ <https://gee.bccr.fi.cr/indicadoreseconomicos/Documentos/DocumentosMetodologiasNotasTecnicas/NOTA%20TECNICA%20IMAE%20REFERENCIA%202012.pdf>

⁵⁴ <https://www.inec.cr/noticia/gasto-de-consumo-promedio-de-los-hogares-es-de-cl575-715-mensuales>

⁵⁵ 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.

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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)						x
The government has not established a policy to reject acceptance of any form of contribution or gift from the tobacco industry (monetary or otherwise), including offers of assistance, proposals for laws or policies, invitations to academic activities offered to the central government, their dependencies, officials or their relatives.						
TOTAL						49

ANNEX A: SOURCES OF INFORMATION

I. TOBACCO INDUSTRY ACTIVITY

1. Tobacco Industry Information

Top 5 Transnational Tobacco Company	Sources other than SEATCA Report
Philip Morris International	https://www.pmi.com/markets/costa-rica/es
British American Tobacco Central América	http://www.batcentralamerica.com/

LOCAL TOBACCO COMPANIES

Top 5 Local Tobacco Company	Market Share and Brands	Source
Tabacalera Costarricense, S. A. (Owned 100% by PMI since April 2018)	Derby, Marlboro, L&M	Acquisition: https://www.nacion.com/economia/negocios/filial-de-philip-morris-adquiere-100-de/CTXTONJS65G6TBLVSRALZBD5IM/story/
Mendiola & Compañía, S. A. (Owned 100% by PMI since 1975)	Derby, Marlboro, L&M	https://www.nacion.com/economia/negocios/filial-de-philip-morris-adquiere-100-de/CTXTONJS65G6TBLVSRALZBD5IM/story/
British American Tobacco Central América	Kool, Lucky Strike, Pall Mall, Rex, Vicero y	http://www.batcentralamerica.com/group/sites/BAT_AX9FAB.nsf/vwPagesWebLive/DO9T5KFL
	The three companies share the	“The market is dominated by PMI and BAT affiliates: Tabacalera Costarricense, a subsidiary of PMI, and BAT Central America with a 100% combined market share.” http://documentos.bancomundial.org/curated/es/875941561129314789/pdf/Costa-Rica-Overview-of-Tobacco-Use-Tobacco-Control-Legislation-and-Taxation.pdf

	100% of the market	

TOBACCO FRONT GROUPS/THIRD PARTIES

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	Source
AMCHAM		
British		
Cámara de industrias de Costa Rica	Afiliate	https://www.nacion.com/opinion/foros/foro-infundadas-afirmaciones-de-figueres-olsen/H7NBU7C2IZHMLGLWZWY34O3FZU/story/

a. News Sources

Top 5 Newspaper/Dailies*	Type (Print/Online)	
CRHoy	Online	https://www.crhoy.com/
Repretel	Online	https://www.repretel.com/
Delfino CR	Online	https://delfino.cr/
Teletica	Online	https://www.teletica.com/
La Nación	Print and online	https://www.nacion.com/

*Basis of Ranking: O Circulation O Popularity O Others: Most visited News websites
 Ranking Authority/ies: <https://www.alex.com/topsites/countries/CR>

b. Government Agencies (Refer also to Annex A)

Agency	Specify if more than one office is involved in this function:	General Sources of Information/ News for each office
1. Office of the Chief Executive (Prime Minister/ President) Members of Royalty		https://www.presidencia.go.cr/
2. Cabinet and/or National Assembly (Policy makers)	Asamblea Nacional	http://www.asamblea.go.cr/SitePages/Inicio.aspx
3. Agriculture / National Tobacco Board	Oficina de regulación de tabaco	https://www.ministeriodesalud.go.cr/index.php/ley-antitabaco
4. Customs	Servicio Nacional	https://www.hacienda.go.cr/contenido/284-

	de Aduanas	servicio-nacional-de-aduanas
5. Education	Ministerio de Educación Pública	https://www.mep.go.cr/
6. Environment	Ministerio de Ambiente y Energía	https://www.minae.go.cr/
7. Finance/ Revenue/ Investments/ Excise	Ministerio de Economía, Industria y Comercio.	https://www.meic.go.cr/meic/
8. Health	Ministerio de Salud	https://www.ministeriodesalud.go.cr/
9. Labor	Ministerio de Trabajo y Seguridad Social	http://www.mtss.go.cr/
10. Trade and Industry/ Investments	Ministerio de Economía, Industria y Comercio.	https://www.meic.go.cr/meic/

II. Laws, Policies, and issuances:

HEALTH LAWS:

1. Is there a health law database? If yes, please list which one will be used and cite the limitations:

Yes, CDMS-Centro de Documentación del Ministerio de Salud

<https://www.binasss.sa.cr/opac-ms/opac/index.php>

2. If there is no existing health law database, then list the primary source of the law listing to be searched:

3. Does the above sources include issuances? O No

If no, please list the alternative source for the issuances:

ALL LAWS:

4. Is there a centralized (all) law database? If yes, please list which one will be used and cite the limitations:

Yes, SCIJ-Sistema Costarricense de Información Jurídica

http://www.pgrweb.go.cr/scij/avanzada_pgr.aspx

Asamblea Legislativa

http://www.asamblea.go.cr/Centro_de_informacion/Consultas_SIL/Pginas/Leyes.aspx

5. If there is no existing centralized law database, then list the primary source of the law listing to be searched:
