



A GLOBAL  
TOBACCO  
INDUSTRY  
WATCHDOG



# Global Tobacco Industry Interference Index 2020

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**Global Tobacco Industry Interference Index (Global Tobacco Index)** is a global survey on how governments are responding to tobacco industry interference and protecting their public health policies from commercial and vested interests as required under the World Health Organization Framework Convention on Tobacco Control (WHO FCTC). The report was initiated as a regional index by Southeast Asia Tobacco Control Alliance (SEATCA) in 2014. The Global Tobacco Index 2020 is produced, by Global Center for Good Governance in Tobacco Control (GGTC), a STOP partner, with support from Bloomberg Philanthropies. Support from Thai Health Promotion Foundation and the Bill and Melinda Gates Foundation also contributed to the development of the report. GGTC is a joint initiative of the School of Global Studies at the Thammasat University and SEATCA.

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## Disclaimer

This Index is based solely on publicly available information obtained by researchers in their respective countries. If you have information that can strengthen this report, contact us at: [info@ggtc.world](mailto:info@ggtc.world)

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# Introduction

**While the COVID-19 pandemic has made public health a top priority across the globe, it has also put a strain on health departments, particularly in low- and middle-income countries, which are already burdened with a massive health bill from tobacco-related diseases and death.**

The tobacco industry, which is responsible for more than 8 million deaths annually worldwide,<sup>1</sup> has never taken responsibility for the diseases and deaths its products have caused and continue to cause its customers, governments and society. Yet, it is exploiting the 2020 COVID-19 pandemic to provide resources to countries badly in need of them, framing itself as being "part of the solution"—a classic tactic of the tobacco industry to get close to governments and enable it to interfere with, derail and undermine health policies aimed at reducing tobacco use.

Governments pinpointed tobacco industry interference as the most serious barrier<sup>2</sup> to tobacco control measures they are implementing under the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC), ratified by 180 countries and the European Union. In calling out the tobacco industry as a vector of disease, Article 5.3 of the WHO FCTC specifically empowers governments to protect their public health policies from vested commercial interests. Implementation guidelines to Article 5.3, adopted in 2008,<sup>3</sup> provide recommendations governments can take to stop tobacco industry interference and protect their officials when interacting with the industry.

This Global Tobacco Industry Interference Index (Index) is the second report in the series, presenting

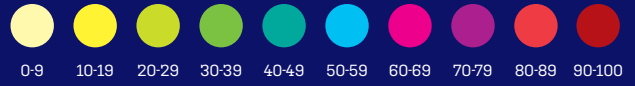
the status of Article 5.3 implementation and providing a review of governments' efforts. The Index found that lack of transparency in interactions with the tobacco industry, government endorsement of tobacco-related charity, industry targeting of non-health sectors to derail tobacco control measures and conflict of interest issues persist as main problems across the globe. In this mix, the tobacco industry has lobbied several governments to accept its new tobacco products despite their risks and unproven record as solutions to the tobacco pandemic.

The first Index in 2019 reviewed 33 countries.<sup>4</sup> This second Index covers 57 countries from Africa, the Eastern Mediterranean region, Latin and North America, Europe, South and Southeast Asia and the Western Pacific region. It ranks the countries using the same questionnaire and scoring method as the ASEAN Index, developed by the Southeast Asia Tobacco Control Alliance (SEATCA).<sup>5</sup>

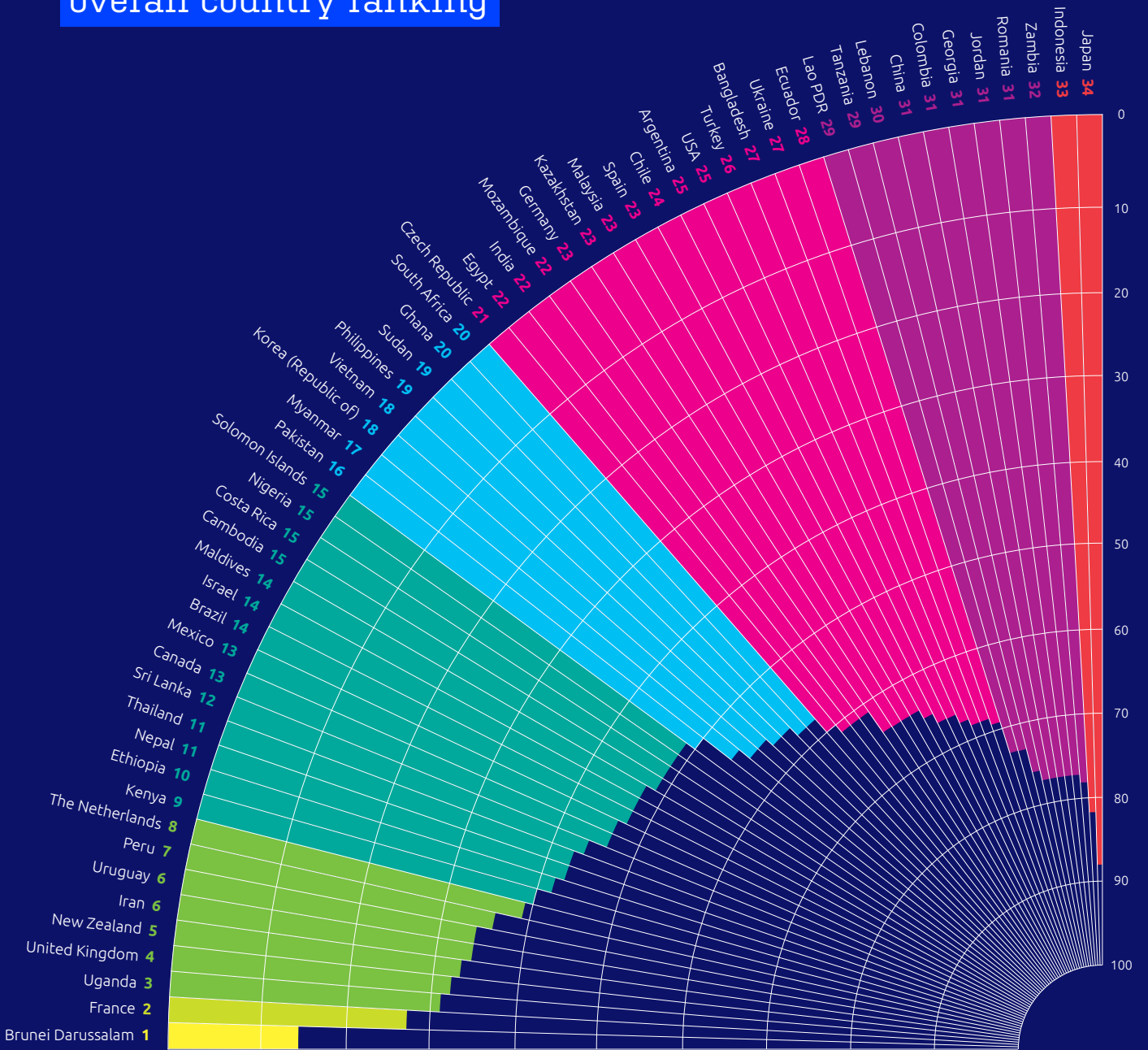
This Index is based on publicly available information on tobacco industry interference in countries and their respective governments' responses to this interference for the period of January 2018 to December 2019 for the new country participants, and January to December 2019 for the 33 countries updating their reports. The countries are ranked (Figure 1) according to total scores provided by civil society groups, which prepared their respective country indices. The lower the score, the lower the overall level of interference, which augurs well for the country. The Summary Table (p. 32) provides disaggregated scores for each country.

Whether a country was high-, middle- or low-income had little effect on how well or poorly it fared. No country has been spared from tobacco industry interference but what made the difference was government action to address the interferences.

The lower the score,  
the better the ranking



**Figure 1: Tobacco industry interference overall country ranking**



Rank

Score

# Key findings

- 
- **The tobacco industry stepped up corporate social responsibility (CSR) activities during the COVID-19 pandemic:** The tobacco industry exploited the pandemic to engage with governments to an extraordinary level, with government receipt and endorsement of charitable contributions (CSR activities) being the industry's key avenue to access senior officials, including several instances of the industry involving the Prime Minister's Office in several countries. The industry capitalized on the vulnerability of governments who faced a shortage of resources during the COVID-19 pandemic. Even in countries where health departments/ministries have a policy to not accept donations from the tobacco industry, this was put aside during the pandemic.
  - **The tobacco industry attempted to steer policy development:** The tobacco industry sought to undermine the health ministry/department's leadership role in tobacco control by shifting decision-making to the non-health sector to obtain industry-friendly outcomes. In several countries, stringent tobacco control measures were defeated or diluted where the industry had a seat at the policymaking table or exerted influence through non-health representatives to delay or oppose tobacco control.
  - **The tobacco industry intensified lobbying:** As countries took action to address tobacco industry interference, the industry also stepped up its lobby of governments. Between 2018 and 2019, 11 countries showed improvement, while 15 countries have scores that deteriorated, meaning there were more instances of interference.
  - **The industry lobbied for acceptance/promotion of alternative tobacco products:** Philip Morris International (PMI) aggressively lobbied for the promotion and sale of its heated tobacco product (HTP), IQOS, in at least 12 countries which resulted in the government: 1) reversing a previous ban on HTPs; 2) allowing the sale of HTPs after PMI threatened to withdraw operations; 3) granting a lower level of taxation for HTPs compared to cigarettes; 4) signing a memorandum of understanding (MOU) with PMI to conduct research on HTPs; and 5) allowing the tobacco industry a seat in the standards body deciding on HTPs.



**Even as more countries adopt comprehensive tobacco control, the tobacco industry is working to undermine government efforts in order to hook new users and push new products. They have even gone so far as to try and take advantage of the COVID-19 pandemic, when countries are desperate for resources. However, the Index helps shine a light on such efforts and provides a path for governments to combat the tobacco industry.**



**Kelly Henning**

Director of Public Health Programs at Bloomberg Philanthropies

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- **Unnecessary interactions with the industry compromised the government's role as regulator:** Unnecessary interaction between high level government officials and tobacco companies resulted in these officials presenting trivial awards to tobacco companies for "good deeds" thereby endorsing them in the public eye. Partnership deals with the tobacco industry were facilitated during these interactions. The tobacco industry in at least six countries engaged with the Prime Minister's Office which established a positive relation with the top office which served to endorse the industry in the public eye.
  - **Lack of transparency remains a problem:** A lack of transparency persisted to facilitate deals with the tobacco industry. In 2019, seven countries made MOUs with the tobacco industry. These deals, made public only at signing ceremonies, were on tackling illicit trade in tobacco. On the other hand, countries that have put procedures in place have guided officials to report all meetings with the tobacco industry.
  - **Many countries continued to give incentives to the tobacco industry:** Incentives received by the tobacco industry included tax caps and tax exemptions, including the sale of duty-free cigarettes. These incentives have not been calculated to determine losses to the government.
  - **Most governments failed to address conflict of interest situations:** Most governments have not instituted a cooling period between when government officials retire and when they can join or consult for the tobacco industry. In four countries, state-owned tobacco entities are not treated the same as the private tobacco companies, and there was a revolving door between officials and industry leaders moving from one sector to the other.
  - **Countries persist in viewing the tobacco industry as economically crucial:** Indonesia, Japan, Kazakhstan, Mozambique, Romania, Tanzania and Zambia left their tobacco control policies vulnerable to being undermined and defeated. They neglected to utilize tools available to them, as provided in Article 5.3 Guidelines, to firewall their tobacco control efforts and have been vulnerable to high levels of industry interference.
  - **Many countries failed to require the tobacco industry to report on important information:** Most countries are not requiring the industry to provide information about its business, including what it spends on marketing, lobbying and philanthropy. This enables the industry to shift its budget into areas that remain unregulated by the government.

## COVID-19 PANDEMIC EXPLOITED BY THE TOBACCO INDUSTRY

**During the COVID-19 pandemic the tobacco industry moved swiftly to step up its corporate social responsibility (CSR) activities such as making donations to higher-risk communities, handing out personal protective equipment (PPE) to the health sector and supplying medical equipment to hospitals.**

Philip Morris International (PMI) reported it donated over US \$32 million across 62 markets in the first few months of the pandemic.<sup>6</sup> In the countries surveyed, PMI's CSR activities included distribution of ventilators to **Czech Republic**, hand sanitizers to **Brazil, Indonesia, the Netherlands** and the **Philippines**. In **India**, Indian Tobacco Company Limited (ITC) partnered with the Government of Kerala, through its brand, Savlon, on a state-wide handwashing campaign "Break the Chain."<sup>7</sup> Appendix A provides a sample of tobacco industry-related CSR activities conducted during the first few months of the pandemic.

While publicizing its charitable acts to resuscitate its image as being part of the solution, the industry was simultaneously lobbying governments not to impose restrictions on its business and even to declare tobacco as an "essential" item during the pandemic.

In **Kenya**, the government listed tobacco products as "essential products" under the foods and beverages category during the COVID-19 pandemic<sup>8</sup> which meant logistics providers of those sectors were given protection and special permits to transport during the lockdown. In **Jordan**, three days into the complete lockdown, the government instructed city buses to deliver bread and other essentials directly to neighborhoods, and the Minister of Labor announced the government would initiate distribution of cigarettes to smokers as well.<sup>9</sup> Jordan documented a more-than 50% increase in consumption of tobacco during the lockdown.<sup>10</sup>

In contrast, several governments took action to protect public health. **India**<sup>11</sup> and **South Africa**<sup>12</sup>

banned the sale of tobacco products during the pandemic as a measure to protect public health. While in the **Philippines**,<sup>13,14</sup> three municipalities, banned the sale of cigarettes. **Mexico**<sup>15</sup> prohibited the sale of e-cigarettes, while the **USA**<sup>16</sup> listed vape, smoking and cigar shops as non-essential businesses that must close.

The tobacco industry's use of CSR activities as a point of access and influence is addressed in greater detail in Section II.



**The tobacco industry has a well-documented history of deception and of capitalizing on humanitarian crises, and it is using the pandemic to attempt to improve its deteriorating public image. But even during times of great need, we must remember the irreconcilable conflict between the interests of the tobacco industry and those of public health.**

**Dr. Adriana Blanco Marquizo**  
Head, WHO FCTC Convention Secretariat



# 1. The tobacco industry interferes in policy development

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**Governments are obligated to protect their health policies from tobacco industry interference. The Netherlands, Thailand, Brunei Darussalam, Kenya, Nepal and Uruguay have done that effectively (Figure 2).**

These countries do not permit the tobacco industry a seat at the policy development table, reject industry proposals or drafts and do not allow the industry to water down or delay tobacco control measures. On the other hand, **Japan, China** and **Lao PDR**, which have state-owned enterprises, continue to allow the tobacco industry to have a say when they develop their tobacco control measures.

In 2019, strong interference from the tobacco industry saw tax measures undermined or defeated in several countries, including **Brazil, Colombia, Kazakhstan** and **Ukraine**.

**Brazil** had a minimum price policy for tobacco products and increased taxes between 2011 and 2015. However, the tobacco industry and its allies (the Institute of Economic and Social Development of Borders, the Brazilian Association to Combat

Counterfeiting and the National Forum Against Piracy and Illegality) stated that this policy had resulted in more smuggled products. They used their own data instead of using official figures.<sup>17,18</sup> In March 2019, the Minister of Justice set up a working group to assess the convenience and opportunity of reducing taxation of cigarettes manufactured locally in view of illegal cigarettes resulting in low tax revenues and losses to public health.<sup>19,20</sup>

In **Colombia**, PMI lobbied the Ministry of Finance to defeat the tax increase. The Constitutional Court ruled the tax reform adopted through Law 1943 of 2018 was unconstitutional because of procedural defects. The Ministry of Finance then submitted to Congress a new tax reform bill almost identical to the one submitted a year before. Although there were several attempts from congressmen to increase taxes on tobacco products, the government was reluctant to introduce such amendments to the original bill. Consequently, there were no advances on this front. Tobacco industry lobbying was active during the legislative process of law between 2010 and 2019.<sup>21</sup>

In **Kazakhstan**, an Entrepreneurial Code ensures participation of private entities in rule-making, providing an opportunity for the tobacco industry to influence policy decisions on tobacco control

measures.<sup>22</sup> The Ministry of Economy and Ministry of Finance, for example, must discuss excise tobacco policy with the tobacco industry and the *Atameken* (National Chamber of Entrepreneurs of the Republic of Kazakhstan) members. Kazakhstan applied a 25% annual tobacco tax increase approved by the tobacco industry and the *Atameken*, a low level compared to other European countries.<sup>23</sup> The Ministry of Health's opinion on major tobacco excise increase is usually ignored.

In **Israel**, during the Knesset Economics Affairs Committee hearings on the draft bill on Restriction of Advertising and Marketing of Tobacco Products Law (Amendment No. 7), 5779-2019, the chairman of the Committee and other Knesset members asked representatives of the Ministry of Health (MOH) to meet with representatives of the tobacco companies and hear their arguments.<sup>24</sup> The MOH granted the request and held one meeting with representatives of tobacco and smoking product companies, where the Cigar Importers Forum requested that cigars be exempt from plain packaging requirements. In the Knesset Economic Affairs Committee's discussions of the advertising bill,<sup>25</sup> it was decided that cigars would be excluded from plain packing and emissions reporting requirements.<sup>26</sup>

In several countries the tobacco industry successfully influenced departments under the Ministry of Finance, such as the National Bureau of Revenue in **Bangladesh** and the Customs Department in **Colombia**, to oppose tax increase. In **Germany**, the Ministry of Finance was lobbied to defeat a tax increase.

Having a relationship with the Prime Minister's Office has helped the industry in **Ecuador** obtain low tax rates for e-cigarettes and HTPs<sup>27</sup> and gain protection for the industry which has resulted in the delay of tobacco control legislation for several years in **Tanzania**.<sup>28</sup> In **Zambia**, tobacco industry interference has delayed tobacco control legislation since 2009. The Tobacco and Nicotine Products Control bill drafted in 2018 has not been tabled in Parliament yet and it is subject to business regulatory review.

When the regulated industry is a member of a regulatory committee, the committee is unable to develop stringent regulations. In **Nigeria** and **Vietnam**, the tobacco industry sits in the standards organization that determines the standards of tobacco products. In **Jordan**, the industry is a member of the inspection committee that inspects tourist destinations and in **Spain** the industry is represented in the consultation committee in the Ministry of Finance.

The tobacco industry used various strategies to influence governments across departments, hold multiple meetings with officials and politicians, promoting the benefits of the product. This stresses the need for policy coherence in protecting public health. Prior to the introduction of IQOS into the **Israeli** market, there were indications of meetings between senior MOH officials and representatives of PMI,<sup>29</sup> leading to correspondence between the MOH and the Israel Tax Authority, which stated that the Advertising and Marketing Restricting of Tobacco products Law - 1983 does not apply to HTPs.<sup>30</sup> However, the new law passed in 2018 covers all tobacco products including HTPs.<sup>31</sup>

In **Romania**, in July 2018, the Minister of Health, a Romanian MP in the European Parliament and the leaders of the two health committees in the Parliament attended a PMI-sponsored event focused on the benefits of HTPs. This continued in 2019 through a series of formal and informal meetings with the tobacco industry.<sup>32</sup>

In **Colombia**, following PMI's announcement of its intention to withdraw tobacco production operations from the country,<sup>33</sup> the Commerce Minister said in June 2019 the government was identifying mechanisms that may allow PMI to continue its operations in the country. One of these mechanisms was the production of HTPs in Colombia. The governor of Santander also held meetings with PMI about its threat to withdraw its operations and to ascertain what could be done.<sup>34</sup>

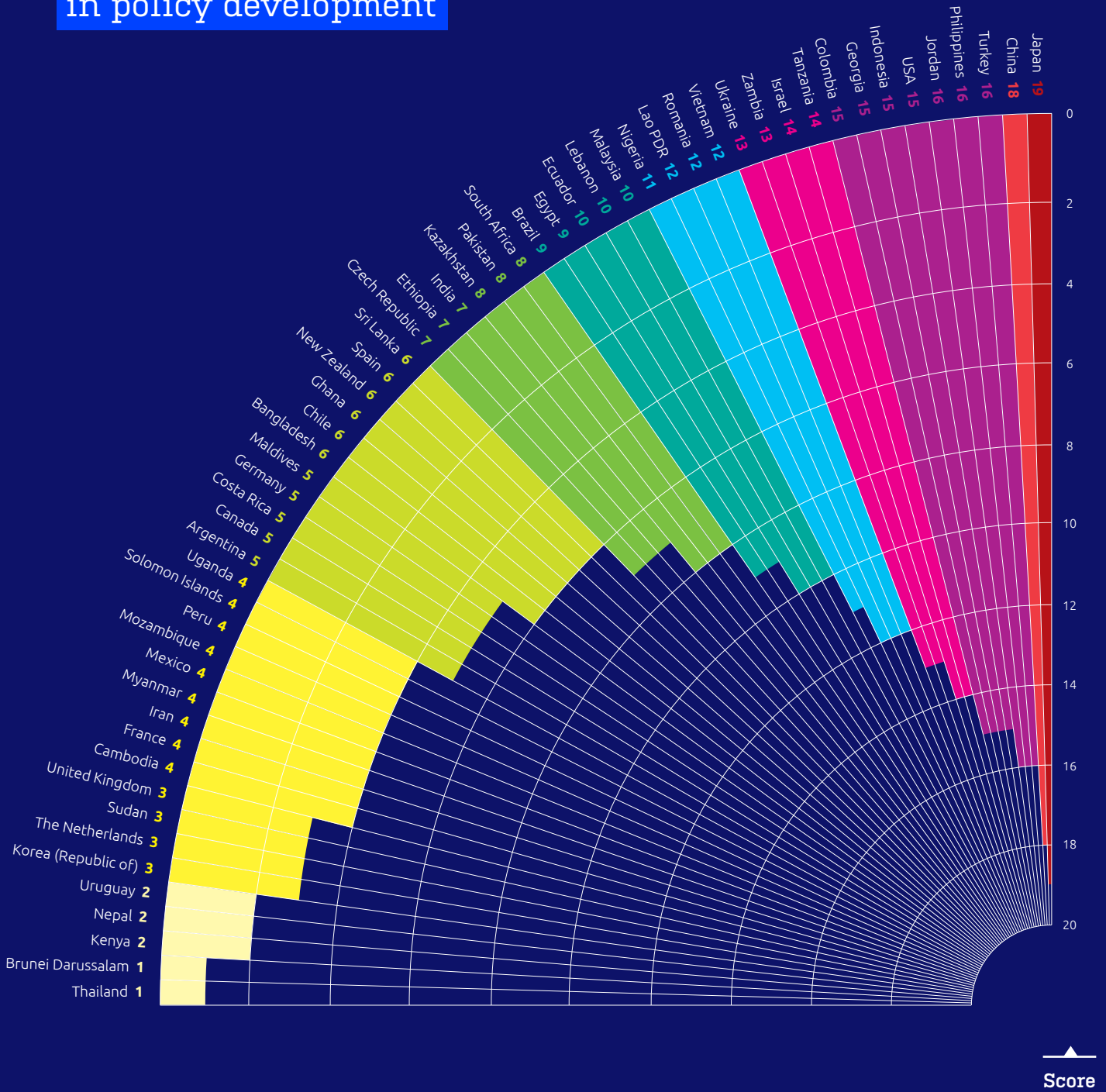
The tobacco companies also tried to influence the WHO FCTC Conference of the Parties (COP) on its position on HTPs and ENDS through the **Colombian** Department of Foreign Affairs. Prior to the eighth session of the COP in 2018, an industry document was leaked to the public, revealing that the top three transnational tobacco companies requested the Colombian Minister of Foreign Affairs to adopt the following positions during the COP negotiations:<sup>35</sup>

- a. Insist that HTPs and ENDS are reduced-risk products.
- b. Oppose policies regarding nicotine reduction. These increase smuggling as consumers will prefer cigarettes with higher amounts of nicotine.
- c. According to the industry, Article 5.3 of the FCTC violates the sovereignty of the States. Industry should be involved in the policy-making process.

The lower the score,  
the better the ranking



**Figure 2: Tobacco industry interferes in policy development**



Score

With the support of its public health community, **India** banned the import, production and sale of ENDS<sup>36</sup> in 2019 and came under tremendous

pressure by chief ministers, trade representatives of ENDS,<sup>37</sup> vaping groups and scientists at both the national and international level to rescind the ban.

**Table 1: Policy influence to promote ENDS/HTPs**

1. <b>Brazil</b>	Electronic nicotine delivery systems (ENDS, or e-cigarettes) were banned in 2009, and the tobacco industry attempted to reverse the ban. In 2019, there were 19 meetings recorded between tobacco companies and Agencia Nacional de Vigilancia Sanitaria (ANVISA). The ban remains in place. <sup>38</sup>
2. <b>Colombia</b>	In 2019, the Minister of Commerce allowed PMI to produce HTPs after it threatened to withdraw from Colombia. <sup>39</sup>
3. <b>Egypt</b>	PMI negotiated with the government to allow sales of IQOS. <sup>40</sup>
4. <b>Georgia</b>	PMI obtained permission to have special shops to sell IQOS, with no ban on promotions. <sup>41</sup>
5. <b>Germany</b>	IQOS enjoys lower tax, and pictorial warnings are not required on it. <sup>42</sup>
6. <b>Indonesia</b>	PMI/PT HM Sampoerna signed an MOU with the government to conduct research on HTPs. <sup>43</sup>
7. <b>Japan</b>	HTPs are taxed lower than cigarettes. <sup>44</sup>
8. <b>S. Korea</b>	PMI sued the government, demanding disclosure of information that concluded HTPs contain harmful substances. <sup>45</sup>
9. <b>Spain</b>	The President of the Junta de Extremadura signed an agreement with PMI to conduct research and development of innovative products with low potential risk. <sup>46</sup>
10. <b>Ukraine</b>	IQOS will be taxed 3.5 times lower than cigarettes till 2021. <sup>47</sup>
11. <b>Vietnam</b>	PMI met with the Vietnam Directorate for Standards, Metrology and Quality and to discuss the benefits of using HTPs and to develop standards and technologies for these tobacco products. <sup>48</sup>

## THE TOBACCO INDUSTRY INFLUENCED GOVERNMENTS TO ALLOW/PROMOTE HTPs AND ENDS

**In 2019, PMI reported it was selling its flagship HTP, IQOS, in 47 markets and duty-free sales outlets.<sup>49</sup>**

However, what was not revealed is the influence exerted and the numerous benefits PMI obtained to manufacture and sell IQOS in these markets. Table 1 shows how governments across the globe came under pressure to allow production or sale or give benefits to HTPs and ENDS.

# 2. The tobacco industry lures high level officials with its siren song:

## So-called corporate social responsibility

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**The tobacco industry's exploitation of the pandemic with its CSR activities to access the health sector demonstrates these activities are a point of influence for the industry. In 2019, the tobacco industry continued to gain access to high level officials through its CSR activities, focusing on the education sector, cultural events, women's groups and farming communities. Officials and departments who receive or endorse these sponsored charities inevitably become champion spokespersons for the industry.**

In several countries, tobacco companies distributed their CSR initiatives directly through the Prime Minister's Office (PMO). In **Pakistan** for example, British American Tobacco (BAT) donated US \$35,450 to the Prime Minister for a dam fund<sup>50</sup> just one month before the government budget announcement. In **Colombia**, PMI engaged with

the PMO for a farmers project.<sup>51</sup> In **Sudan**, the former President and the Minister of Industry were involved in a tobacco industry-sponsored scholarship program for university students, while in **Malaysia** and **Tanzania**, the PMO was involved in handing out school bags to grade-school students<sup>52</sup> and supplying trolley push carts to street vendors,<sup>53</sup> respectively, both sponsored by tobacco companies.

In **Bangladesh**, BAT collaborated with the Labour Welfare Foundation for a project on labor,<sup>54</sup> while in **Cost Rica**, PMI worked through the American Chamber of Commerce to engage with the Vice Minister of Labor on its gender equality initiative.<sup>55</sup> In **India**, the ITC made a financial contribution of US \$1.25 million to the Maharashtra Government for flood relief activities.<sup>56</sup> The check was presented during the swearing-in ceremony of the Chief Minister of the state. ITC also has a forestry initiative in the Malkangiri district in the state.

In **China**, the state-owned tobacco enterprise, State Tobacco Monopoly Administration, conducted a range of CSR activities such as poverty alleviation identified by the central government<sup>57</sup> and disaster management, while the Dayu Tobacco Company (Jiangxi Province) conducted a "civilized smoking" campaign.<sup>58</sup>

# 3. The tobacco industry receives incentives

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**The tobacco industry received a range of incentives that benefitted its business. Tax exemptions, no increase in tobacco tax and lower levels of taxation on certain tobacco products were among the common benefits given to the tobacco industry.**

In 2019, there was no tax increase on tobacco in **Ethiopia**,<sup>59</sup> **Indonesia**<sup>60</sup> and **Tanzania**,<sup>61</sup> while a tax restructuring in **Argentina**<sup>62</sup> led to a decrease in taxes paid by the tobacco industry. In **Germany**, the government gave the industry a tax exemption for tobacco products that manufacturers offer their employees as a deposit without remuneration, which amounted to €6 million in 2018 and €5 million in 2019.<sup>63</sup>

In **France**,<sup>64</sup> **Germany**<sup>65</sup> and **Japan**, HTPs enjoy a lower level of taxation than cigarettes on the supposition of lower tax for less harmful products. Japan Tobacco's popular cigarette brand is taxed at 63%, while its HTPs are taxed at a significantly


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lower rate of 14.9%.<sup>66</sup> In **Germany**, the government has also not required taxes on ENDS or e-liquids as it does on tobacco.<sup>67</sup>

In a few countries, certain tobacco products get an exemption or discount for value-added tax (VAT) applied to all consumer goods. In **Costa Rica**, tobacco is excluded from VAT,<sup>68</sup> **Zambia** excluded VAT on green leaf tobacco in 2018,<sup>69</sup> while in **India** small manufacturers of bidis are excluded from the goods and services tax (GST).<sup>70</sup> In **Bangladesh**, the National Board of Revenue (NBR) amended the VAT and Supplementary Duty Act 2012 and offered tax credits to tobacco companies from the budget FY 2018-19.<sup>71</sup> The NBR reduced the supplementary duty on non-filter bidis from 35% to 30% by issuing a Statutory Regulatory Order to accommodate the demands raised by the bidi industry.<sup>72</sup>

To encourage more tobacco exports, **Mozambique** does not require export duties. **Bangladesh** withdrew the 10% export duty on unmanufactured tobacco in the 2018-19 budget,<sup>73</sup> while in **Cambodia**, tobacco producers who export more than 3,000 kg of tobacco to **Vietnam** receive a waiver on export duty.<sup>74</sup>



**International travelers continue to be able to purchase duty-free cigarettes, which benefits the tobacco industry through increased sales while depriving the government of tax revenues.** 

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## **Legislation delayed or applied unequally**

To protect its business, the tobacco industry acts to defeat or delay legislation, or worse, tries to reverse existing bans and regulations. Some governments succumb to interference from the industry. In **Colombia**, proposed legislation to increase the pictorial health warning (PHW) size on tobacco packs was defeated,<sup>75</sup> while in **Ghana** a declaration in June 2018 to ban e-cigarettes and shisha has yet to take effect.<sup>76</sup> **Lebanon** had banned e-cigarettes and e-waterpipes in 2013<sup>77</sup> but has reversed the ban and now allows e-cigarettes, e-waterpipes and IQOS<sup>78</sup> to be sold.

In **Malaysia**, HTPs are defined as tobacco products, yet are sold without PHW as required by law.<sup>79</sup> In **Bangladesh**, the implementation of PHW on cigarette packs has been delayed since the High Court postponed the government order dated July 4, 2017, following a review petition by the Bangladesh Cigarette Manufacturers' Association. To date, PHW on cigarette packs remain unimplemented.<sup>80</sup>

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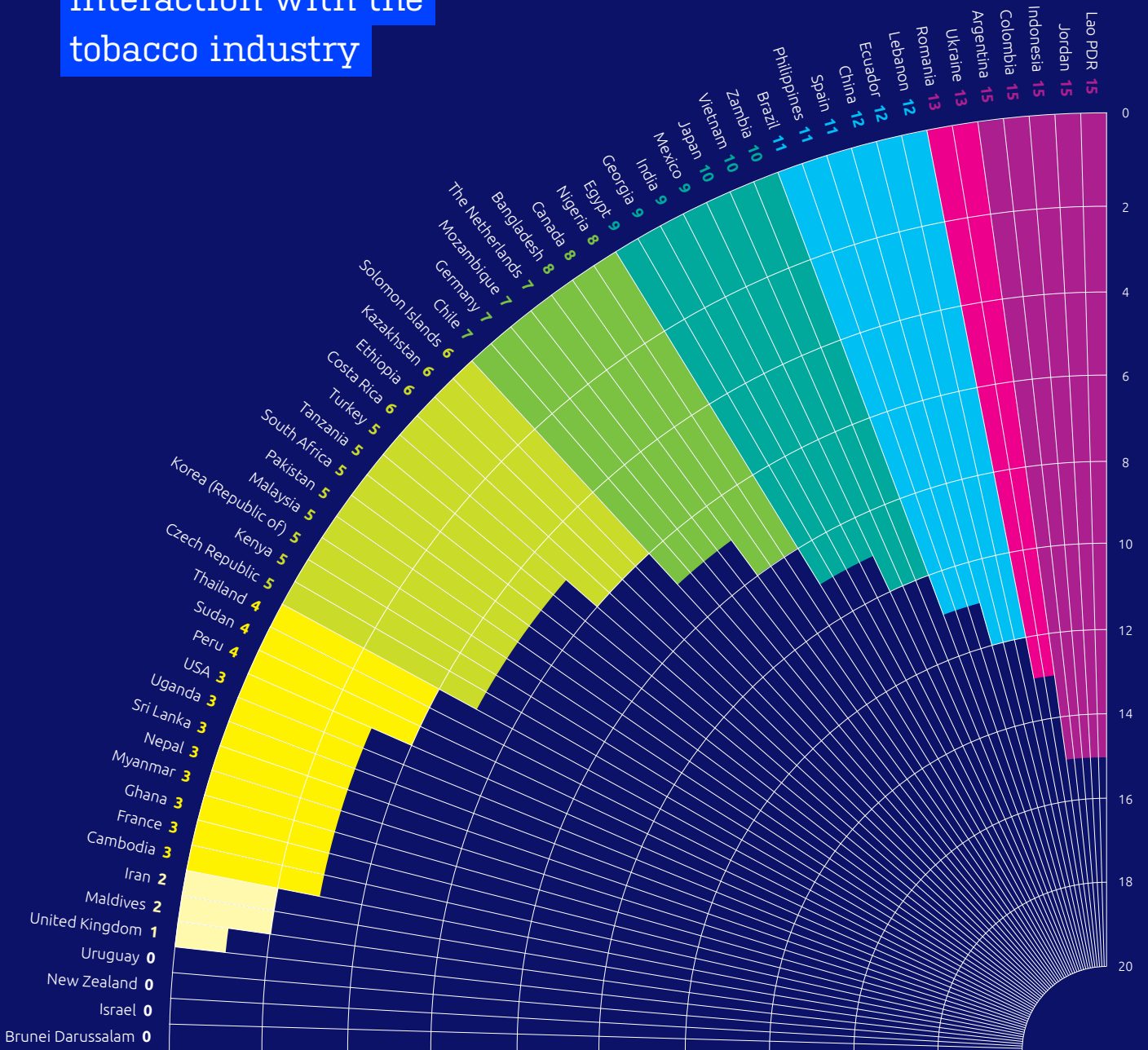
## **Duty-free cigarette concessions**

International travelers continue to be able to purchase duty-free cigarettes, which benefits the tobacco industry through increased sales while depriving the government of tax revenues. Only a few countries, such as **Brunei** and **Sri Lanka**, have removed duty-free status of cigarettes. While most countries in the survey allow international travelers to bring in no more than 200 sticks duty-free, **China**, **Costa Rica**, **Ecuador** and **Japan** allow a generous 400 sticks.

The lower the score,  
the better the ranking



**Figure 3: Governments engage in unnecessary interaction with the tobacco industry**



Score



# 4. Governments interact unnecessarily with the tobacco industry

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**The tobacco industry intentionally interacts with government officials to strengthen their relationship. Having these strong relationships paves the way for partnerships or collaboration.**

Figure 3 shows how countries fared in unnecessary interactions with the tobacco industry. **Jordan, Indonesia, Colombia, Argentina** and **India** have high levels of unnecessary interactions, while **Brunei, Israel, New Zealand** and **Uruguay** have done well to curb this problem.

Tobacco companies have found a persuasive way to engage with senior public officials—when officials give them awards for achievements that sometimes look tailor-made for the tobacco industry. In 2019, several countries recorded trivial awards given to tobacco companies where government departments and/or senior officials were present in these award ceremonies (Table 2).

The **Jordanian** Ministry of Environment awarded JTI the "Environmental Stewardship Award" for the usage of solar steam generation in its factory. This

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award facilitated public officials visiting the factory and interacting with JTI executives, which was promoted in the press<sup>81</sup> and social media.<sup>82</sup>

In **Kenya**, the Deputy President graced the gala dinner for the winners of the 2019 Kenya Exporter of the Year Awards where BAT Kenya was awarded the "Solid Rock Commendation" (Lifetime Achievement) award.<sup>83</sup> Alongside the Deputy President, the Cabinet Secretary of the Ministry of Industry, Trade and Cooperatives, and the Export Promotion Council (EPC) Chief Executive Officer were in attendance with other government officials.<sup>84</sup> The Kenya "Exporter of the Year Award" is a project of Kenya EPC, a state agency.

The **Colombian** President and officials from various government departments participated in roundtable discussions at the PMI-sponsored Concordia Summit in 2018<sup>85</sup> and 2019,<sup>86</sup> which centered around encouraging innovation in Latin America to further the concept of harm reduction. The discussion promoted a number of regulatory measures that the Colombian government could put in place to shift smokers to supposedly less harmful products. In 2019, the Colombian Chief Prosecutor handed out prizes to the winners of an art contest sponsored by BAT and the Ministry of Culture.<sup>87</sup>

**Table 2: Governments provide awards and certificates to tobacco companies**

<b>Tax</b>	<b>Indonesia</b>	"Most tax friendly corporation" award to PT HM Sampoerna/PMI <sup>88</sup>	Minister of Finance
<b>CSR</b>	<b>Indonesia</b>	PT HM Sampoerna/PMI appreciated for its CSR activities on Small & Medium-Scale Enterprise <sup>89</sup>	Minister of Industry
	<b>Korea</b>	KT&G given the Certificate of "Excellent organization for Culture and Arts" <sup>90</sup>	Director, Ministry of Culture, Sports and Tourism
<b>Environment</b>	<b>Jordan</b>	JTI given the "Environmental Stewardship Award" <sup>91</sup>	Ministry of Environment
	<b>Kenya</b>	BAT Kenya awarded as Best Company in Electricity Savings, Water Savings <sup>92</sup>	Chief Administrative Secretary, Ministry of Petroleum and Mining
<b>Trade</b>	<b>Kenya</b>	BAT received "Exporter of the Year" award <sup>93</sup>	Kenya Deputy President and Chief Secretary of Ministry of Industry present at the award ceremony
	<b>Turkey</b>	"Export champion" award given to PMI, BAT and JTI	President of Turkey
<b>Health/safety</b>	<b>Tanzania</b>	Occupation and Safety award given to Tanzania Cigarette Public Limited Company <sup>94</sup>	Minister of State in the Prime Minister's Office

**Ecuador's** Vice President, First Lady and ministers participated in a Women Entrepreneurs Forum - Leadership and Transformation event sponsored by Industrias del Tabaco, Alimentos y Bebidas S.A. (ITABSA, PMI affiliate in Ecuador) in September 2019.<sup>95</sup>

In **Argentina**, the annual "Night of Conscience" (*Asociación Conciencia*) in 2017 and 2018 was hosted by an organization financed by PMI,<sup>96</sup> <sup>97</sup> which brought senior ministers into contact with the tobacco industry.

In **Mexico**, prompted by a request from the governor of a tobacco-growing state, who had attended a BAT event and encouraged further BAT investments, the president of the Upper House's Health Committee attended an event organized by BAT and spoke up for the industry, stating higher taxes on cigarettes hadn't created any health improvements among Mexicans, and had instead hurt the tobacco sector and caused job losses.<sup>98</sup> He committed to working on necessary legal reforms and lobbying the government to ensure that legislative changes do not harm tobacco companies.

In **Zambia**, the Finance Minister officiated the opening of a new US \$25 million BAT manufacturing plant intended to increase cigarette production.<sup>99</sup>

The tobacco industry in **India** received a boost from the government in June 2019 when the Chair of the Indian Tobacco Board, Department of Commerce, led a delegation of six major tobacco exporters (representing more than 70% of Indian tobacco exports) to promote tobacco to China.<sup>100</sup> The delegation met with the Chief Commissioner of the **Chinese** State Tobacco Monopoly Administration (STMA). Earlier, in January 2019, a senior bureaucrat from the Indian Ministry of Commerce paved the way by meeting with the tobacco industry in China to revive an old protocol on the export of Indian tobacco leaves to China for the next five years, removing a major technical barrier in exporting to China. In the absence of a national code in 2019 to guide public officials in their interactions with the tobacco industry, a statement of the Press Information Bureau<sup>101</sup> promoted the visit in a positive light, stating the Embassy of India in Beijing had worked closely with the Chinese authorities, including the STMA, the Ministry of Commerce and other relevant organizations, to promote Indian tobacco.

# 5. Lack of transparency facilitates industry interference

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**Article 5.3 Guidelines recommend governments ensure transparency by requiring periodic disclosures from the tobacco industry about its activities and practices. When procedures to obtain such information are in place, the information can guide officials in preventing tobacco industry interference.**

**France, Canada, Ethiopia** and **Peru** have fared well in facilitating transparency when interacting with the tobacco industry (Figure 4). Thirteen countries fared poorly.

**France**, at the executive level, requires its ministers to report weekly on all meetings, including those with the tobacco industry. There are also specific rules concerning the transparency of lobbying activities of the tobacco industry and its representatives, which require submitting an

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annual report to the health minister of expenses related to activities of influence or representation of interests of manufacturers, importers and distributors of tobacco products.<sup>102</sup>

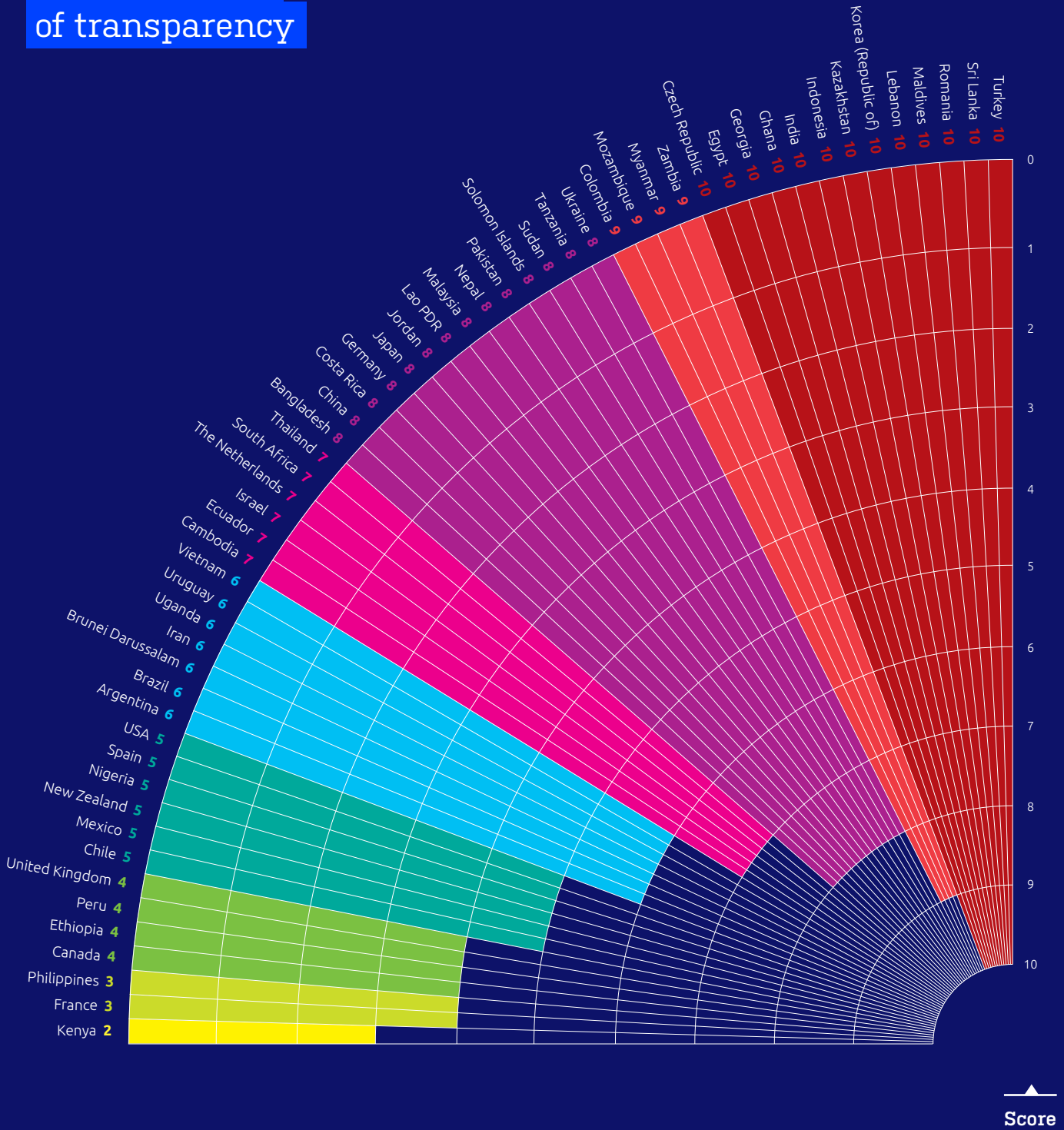
**Ethiopia** has a procedure in place for all interactions between public officials and the tobacco industry, which are limited to only those strictly necessary for effective regulation of the tobacco industry or tobacco products. To ensure transparency, all interactions are documented.<sup>103</sup>

In **Peru**, the government publicly disclosed a meeting with the tobacco industry on the regulation of IQOS. In February 2019, representatives of Philip Morris formally requested an appointment with the Ministry of Health (MINSA) which was attended by representatives of MINSA (Deputy Minister and several officials) and civil society representatives. At that meeting Philip Morris proposed the formal entry of HTPs (IQOS) as reduced-risk products.

The lower the score,  
the better the ranking



**Figure 4: Lack of transparency**



## Tobacco companies collaborated with governments through MOUs

Non-transparent government meetings with the tobacco industry facilitate unnecessary collaboration and deals with the industry. Several governments signed new memorandums of understanding MOUs with the tobacco industry in 2019, mostly with customs departments and enforcement agencies to

address illicit trade in tobacco products (Table 3). Most of these countries are non-Parties to the FCTC Protocol to Eliminate Illicit Trade in Tobacco Products.<sup>104</sup> Often, the negotiations of these MOUs were conducted in a non-transparent manner, and the deals were only made public during signing ceremonies. The **Colombian** National Federation of Departments (FND), for example, had regularly invited members of BAT and Coltabaco to participate in their anti-illegal trade meetings with other government agencies.<sup>105</sup>

**Table 3: Governments in collaboration with the tobacco industry to address illicit trade**

	Memorandum of understanding (MOU)/Technical assistance	Protocol to Eliminate Illicit Trade in Tobacco Products
<b>Colombia</b>	National Police and the National Federation of Departments (FND) entered into an Anti-Illicit Trade Agreement with PMI to provide training to enforcement officers <sup>106</sup>	Signed in 2013, not a Party
<b>Ecuador</b>	National Service of Customs inter-agency cooperation agreement with ITABSA/PMI; agreement terminated within a few months through intervention of Ministry of Public Health <sup>107</sup>	Party since 2015
<b>Egypt (state enterprise)</b>	Egyptian Customs Authority MOU with JTI	Not a Party
<b>Ethiopia</b>	Customs Commission, Ministry of Revenue MOU with JTI/National Tobacco Enterprise <sup>108</sup>	Not a Party
<b>The Netherlands</b>	Dutch Customs Department MOU with JTI <sup>109</sup>	Signed in 2014, not a Party
<b>Ukraine</b>	State Fiscal Service MOU with Ukrtiutiun, <sup>110</sup> (Ukrainian Association of Tobacco Producers)	Not a Party

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In 2018, the **Ukrainian** State Fiscal Service signed an MOU with Ukrtiutiun,<sup>111</sup> the Ukrainian Association of Tobacco Producers (PMI, BAT, JTI and Imperial Tobacco), accepting equipment and other support from the industry to tackle illegal trade of tobacco products. This interaction deteriorated further in 2019 with the Cabinet of Ministers approving another MOU with these tobacco companies on transparent and predictable regulation for the development of the tobacco industry.<sup>112</sup> This was undertaken in a closed-door meeting between the government and the industry and can be used by the industry to protect its business.

In September 2019, the **Romanian** Minister of Finance participated in the launch of an anti-illicit trade campaign sponsored by JTI.<sup>113</sup> Photos of the launch were promoted on the landing page of the Finance Ministry's official website.

In Africa, the **Mozambican** Ministry of Labour Employment and Social Security signed a three-year MOU to receive US \$1.2 million in grants from the tobacco industry-funded Elimination of Child Labour in Tobacco Growing Foundation (ECLT) to address child labor in tobacco-growing rural areas.<sup>114</sup> ECLT is an international NGO that is fully funded by tobacco companies (BAT, PMI, JTI, Imperial Tobacco and others).

In Asia, the **Indonesian** Ministry of Research, Technology and Higher Education signed an MOU with PMI's local subsidiary, PT HM Sampoerna Tbk, to conduct research on HTPs,<sup>115</sup> while the **Chinese** state-owned tobacco enterprise has several MOUs, including between the Ministry of Agriculture and Provincial Tobacco Bureau to address poverty alleviation in Xiangxi, Hunan province,<sup>116</sup> and between the Provincial Public Security Department and Fujian Provincial Tobacco Bureau to combat economic crimes.

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In **Spain**, the Director General of the Civil Guard (Police Force) in charge of combating illicit trade and tobacco companies (Philip Morris Spain, JTI, BAT) signed an agreement in 2018 to fight tobacco smuggling.<sup>117</sup> Through this agreement, Philip Morris gave the Civil Guard aquatic cameras, night vision systems, vans with scanners and mobile devices for tracking tobacco products. The collaboration between the government and the tobacco industry against illicit trade also extends to other tobacco companies.

In another instance, the **Spanish** regional government of Extremadura has a 2016 agreement<sup>118</sup> with Philip Morris that is still in force and targeted to make tobacco growing sustainable, enable Philip Morris to promote innovative tobacco products and give HTPs more visibility.<sup>119</sup>

There are several countries that have good transparency measures in place. Ministries of Health of several countries, such as **Brazil, Canada, New Zealand** and **the Netherlands** inform the public whenever they hold any meetings with the tobacco industry.

**The tobacco industry secures direct MOUs with governments, which elevates it as a collaborative partner, rather than be regulated through legislation.**

# 6. Public officials being employed by the tobacco industry or vice versa creates conflicts of interest

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**Article 5.3 Guidelines recommend avoiding conflicts of interest for government officials and employees, and instituting rules to protect public health policies from interference by the tobacco industry. Reality, however, shows there is a revolving door of former public officials joining the tobacco industry and vice versa.**

In some instances, an individual can have a foot in both the government and the industry simultaneously. Table 4 shows examples from select countries of movement of individuals from one sector to the other.

Parties should not accept political donations from the tobacco industry as they constitute a conflict of interest. Where such donations are allowed by law, countries should require the tobacco industry to

declare its political contributions. Some countries make this information public. Several countries such as **Iran, Uruguay** and **Myanmar** ban such contributions. Several countries that allow them require disclosure, such as **Canada, New Zealand, France, U.K.** and **USA** (Figure 5).

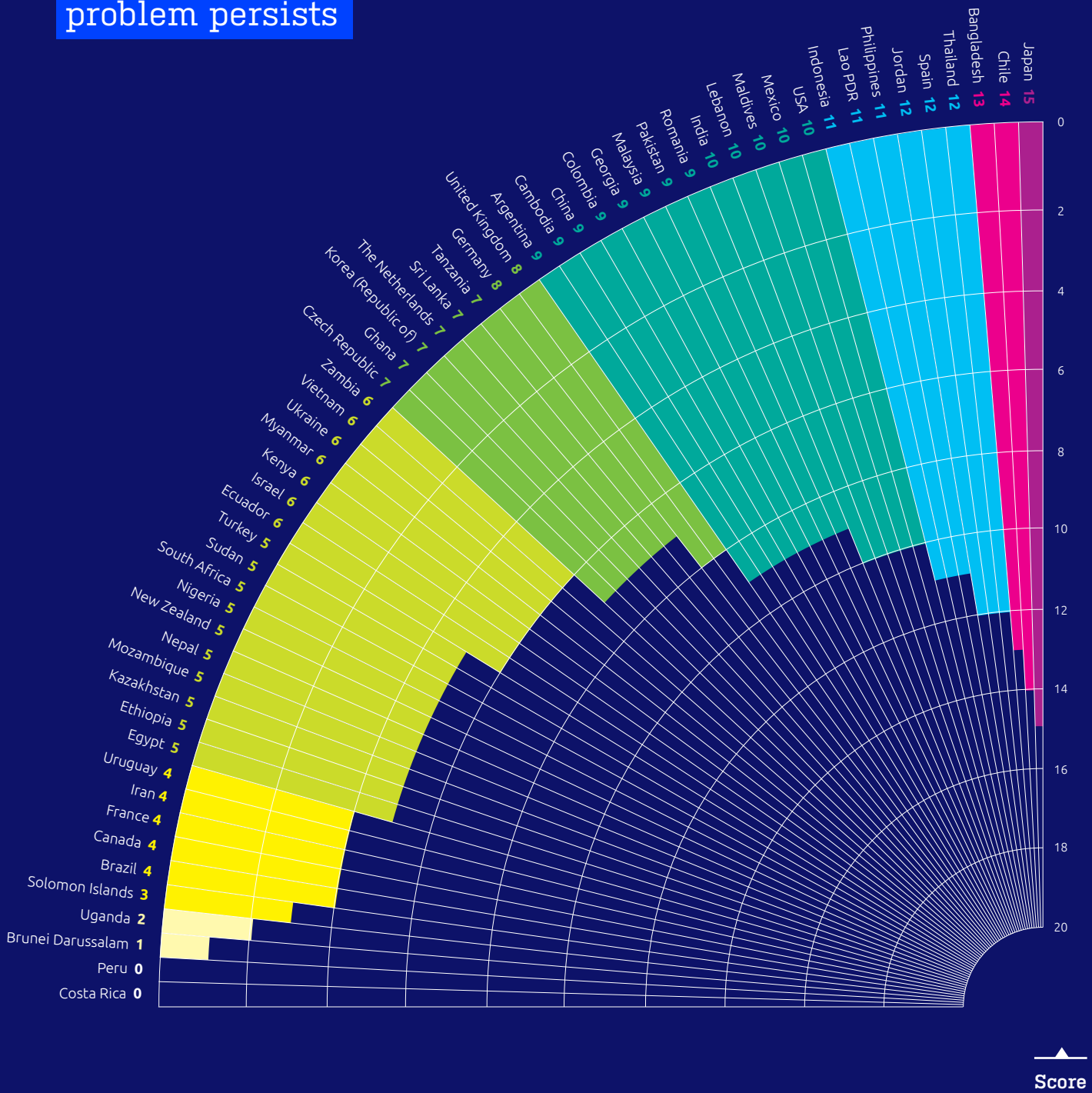
**Health policies are not protected from state owned tobacco enterprises because they are treated as another government entity**

Article 5.3 recommends that Parties treat a state-owned tobacco enterprise in the same way as any other tobacco company, but the survey found these state-owned enterprises are treated as government entities, while simultaneously enjoying the benefits given to private tobacco corporations. None of these enterprises provide full information about their business, such as their expenditure on marketing, advertising or philanthropic activities, and are able to influence tobacco control policy (Table 5).

The lower the score,  
the better the ranking



**Figure 5:**  
Conflict of interest  
problem persists



Score



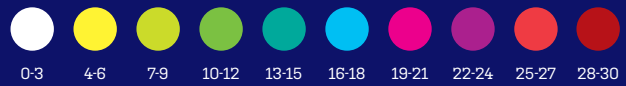
**Table 4: Revolving door between former officials and industry executives**

	Government		Industry
<b>Argentina</b>	National Ministry of Health Official since 2018	←	BAT Executive (2009-2016) <sup>120</sup>
<b>Cambodia</b>	Senator <sup>121</sup>	←	L.Y.P. Group President
<b>China</b>	Member of Standing Committee	↔	Chief Commissioner of STMA <sup>122</sup>
<b>Colombia</b>	Former Advisor to Central Bank of Colombia <sup>123</sup>	→	Vice President of Coltabaco/PMI <sup>124</sup>
	Former Director of Intelligence Agency, former Director of Anti-Narcotics Agency	→	Vice-President of BAT <sup>125</sup>
<b>India</b>	Member of the National Tourism Advisory Council; Executive Committee Member of National Culture Fund, Ministry of Culture	←	Director on the Board of ITC, Travel and Tourism Businesses of ITC <sup>126</sup>
<b>Indonesia</b>	Director, Ministry of Industry	→	Sec-Gen, Indonesian Cigarette Manufacturers Association (GAPPRI) <sup>127</sup>
<b>Iran</b>	General Manager of Department of Commerce, Ministry of Industry	↔	Head, Iranian Tobacco Company (ITC).
<b>Japan</b>	Administrative Vice Minister, Ministry of Finance	↔	Chairman, Japan Tobacco <sup>128</sup>
<b>Pakistan</b>	DG Social Sector, Prime Minister's Secretariat; DG Customs; Director at National Assembly	→	Independent Director, Pakistan Tobacco Company (BAT) <sup>129</sup>
<b>Spain</b>	Former Prime Minister (1996-2004); President (2004-2016) Spain	→	PMI Consultant for Latin America <sup>130</sup>
<b>Turkey</b>	Deputy Minister of Trade <sup>131</sup>	←	Director and Board member, BAT Turkey January 2019

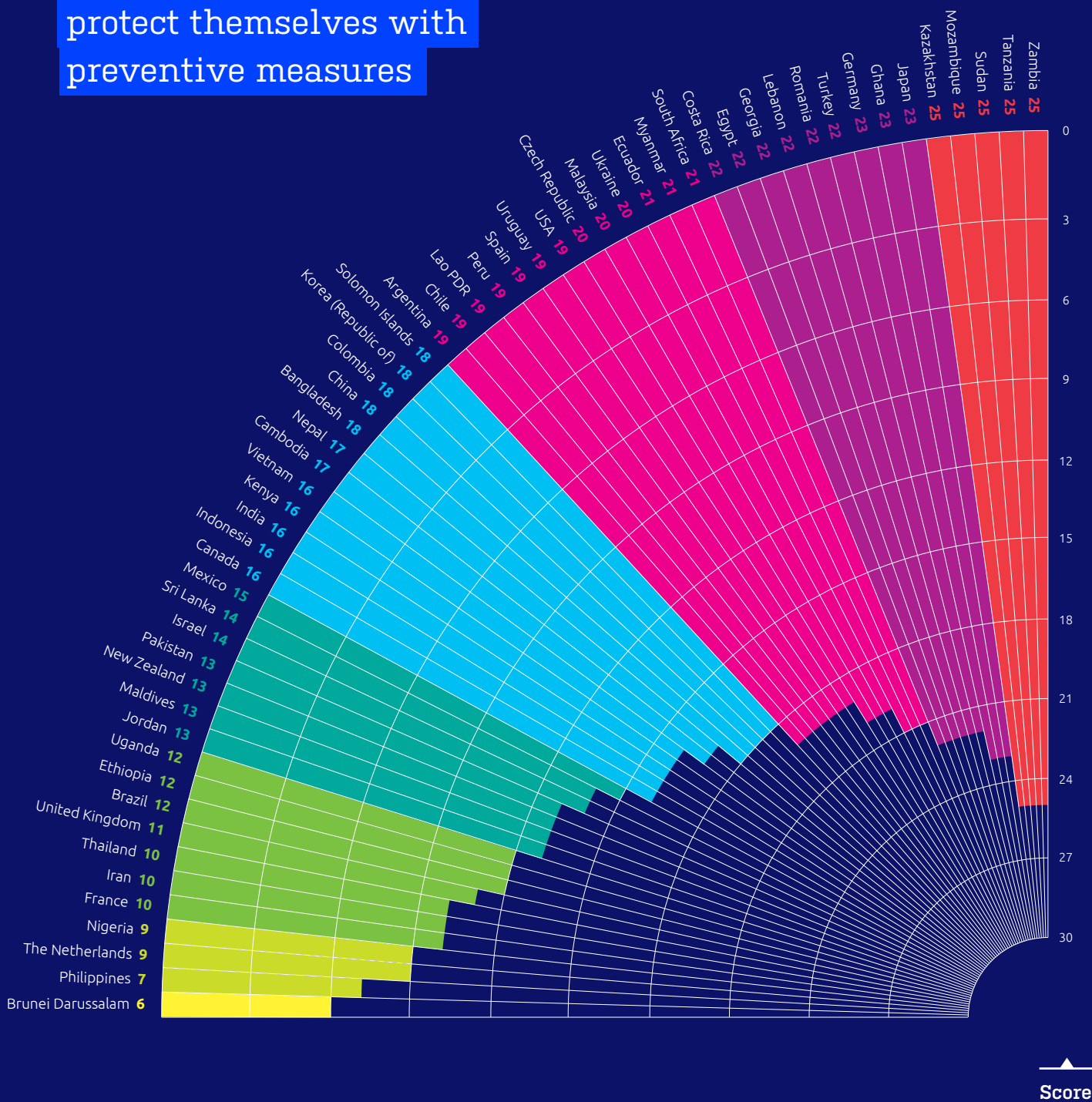
**Table 5: State-owned tobacco enterprises' influence on tobacco control**

<b>China</b>	Intervening in policy/ conflict of interest	The Tobacco Monopoly Law provides legal basis for the tobacco industry to intervene in tobacco control policy.
<b>Egypt</b>	CSR	Eastern Tobacco Company contributes to government institutions and development projects. It donated US \$186,000 to restore the National Cancer Institute. <sup>132</sup>
<b>Ethiopia</b>	Intervening in policy/ conflict of interest	National Tobacco Enterprise is allowed to comment on tobacco control law before it is passed.
<b>Iran</b>	Conflict of interest	Center for Tobacco Planning and Supervision issued new licenses to increase local production of cigarettes. <sup>133</sup>
<b>Japan</b>	Intervening in policy/ conflict of interest	The Ministry of Finance owns 31% of Japan Tobacco Inc. The Tobacco Business Act protects the tobacco business and has jurisdiction over regulation of tobacco advertising. <sup>134</sup>
<b>Lebanon</b>	Conflict of interest/benefit to the tobacco industry	State-owned tobacco monopoly, Regie, signed an agreement with BAT to produce cigarettes locally. BAT stated: "At the level of governments, we are working with them to develop a legislative framework that protects consumers and economy alike." <sup>135</sup>
<b>Vietnam</b>	Conflict of interest/benefit to the tobacco industry	Vietnam National Tobacco Corporation (Vinataba) controls 60.5% of Vietnam's cigarette market. It has proposed several policy measures, including to use the VN Tobacco Control Fund to prevent illicit tobacco, postpone amendment of tobacco excise tax law, and not increase excise tax rates for cigarettes. <sup>136</sup>

The lower the score,  
the better the ranking



**Figure 6: Governments that have acted to protect themselves with preventive measures**



# 7. Governments can create a firewall with preventive measures

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**Article 5.3 Guidelines provide a range of preventive actions governments can take to protect their tobacco control policies from being sabotaged by commercial and vested interests.**

Several countries have made progress in drawing up measures to guide officials in their interactions with the tobacco industry, including **Brunei Darussalam, the Netherlands, Thailand** and **Pakistan** (Figure 6).

In November 2019, **Brunei Darussalam** adopted a code of conduct (circular),<sup>137</sup> issued by the Prime Minister's Office, applicable to all civil servants that prohibits unnecessary interactions with the tobacco industry or its representatives, requires transparency in any necessary (regulatory) interaction with the tobacco industry and rejects partnerships with and funding or sponsorship from the tobacco industry.

In 2019, **Pakistan** adopted and made public its national action plan to counter tobacco industry interference, which is being implemented in two phases: the first phase to obtain approval from all sectors and the second phase to develop training materials for implementation.<sup>138</sup>

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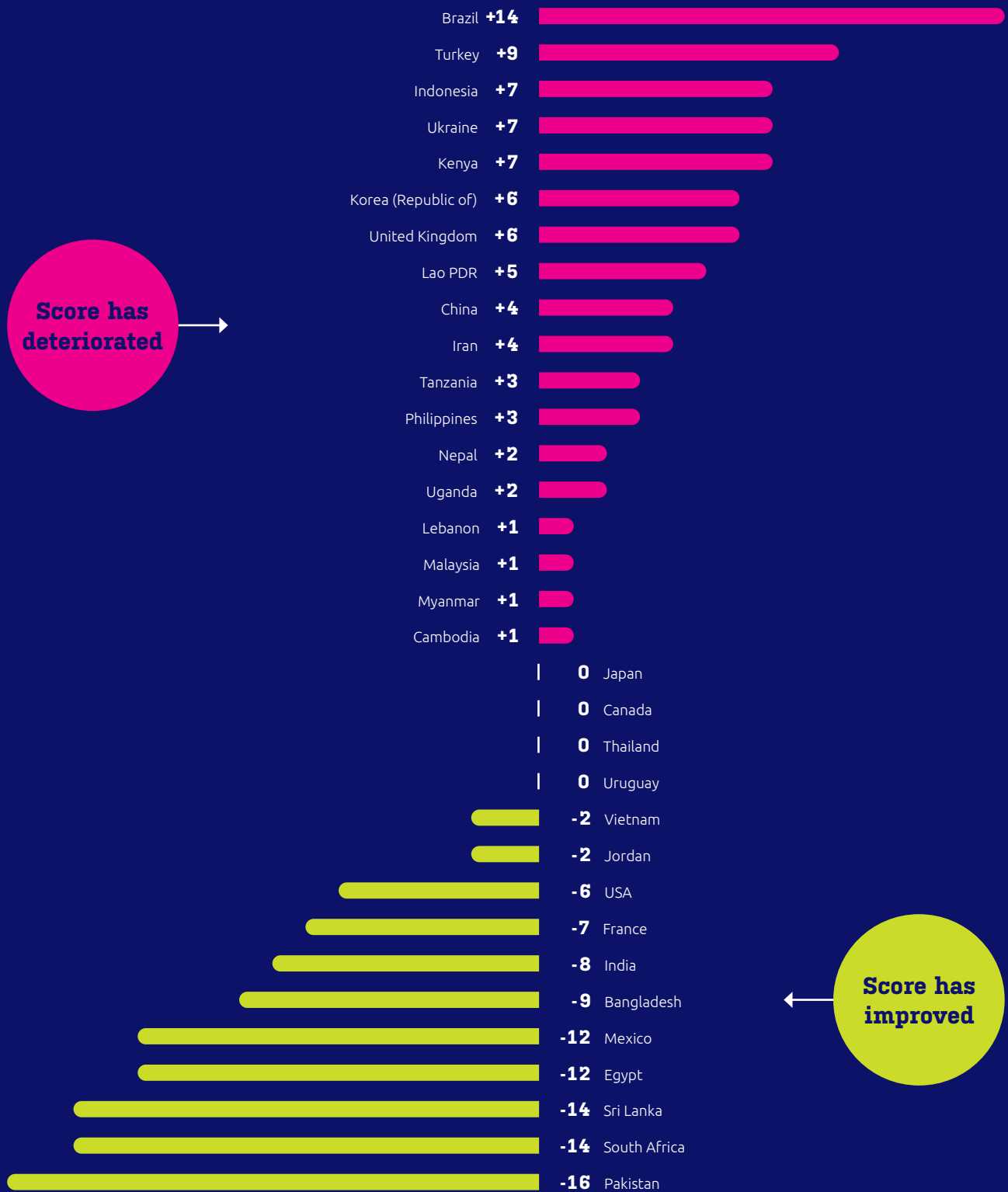
In **the Netherlands**, the government has a protocol for civil servants in their interactions with the tobacco industry and its representatives.<sup>139</sup> Additionally, all civil servants are obliged to comply with the "Code of Conduct for Integrity in the State" of the Dutch government,<sup>140</sup> which includes a clause aimed specifically at lobbyists from the tobacco industry, i.e. avoiding lobbyists to prevent undue influence, ensuring transparency if unavoidable and prohibiting lobbying by former ministers for two years after leaving office.

**Thailand's** Ministry of Public Health (MOPH)'s guidelines<sup>141</sup> on interaction with tobacco entrepreneurs and related persons and the Office of the Civil Service Commission's regulation prohibit all public officials from interacting with the tobacco industry in a manner that may lead to policy interference. In addition, the tobacco industry in Thailand is required to provide information about its business which includes its production or imports, its marketing expenditure and revenue.<sup>142</sup>

**Nigeria's** National Tobacco Control Act (Section 27)<sup>143</sup> forbids the tobacco industry from offering any donations to any government entity. It also forbids any government agency/entity from accepting or soliciting any contribution of any kind.

Ministries/departments of health in several countries had earlier developed a code for their department, including **Colombia, Indonesia** and

**Figure 7: Comparison of 33 countries between 2019-2020**



0 indicates no change.

**Lao PDR**, as a first step towards addressing industry interference. However, the tobacco industry has lobbied non-health departments in these countries to protect and champion its business, stressing the need for a whole-of-government approach to halting industry interference.

Most countries have anti-corruption laws and general codes for their public officials addressing issues such as bribery and non-acceptance of gifts and contributions from private entities, which can be applied while they draw up specific tobacco control guidance. **China**, in using its anti-corruption law in November 2019, charged a former Deputy Director of STMA with bribery,<sup>144</sup> while earlier in May, a former director of the Yunnan Provincial Tobacco Monopoly Bureau, also accused of bribery, was sentenced to 13 years imprisonment.<sup>145</sup>

**Zambia, Tanzania, Mozambique** and **Kazakhstan** have neglected to firewall their tobacco control efforts and have been vulnerable to high levels of industry interference (Figure 6). Countries that persist in viewing the tobacco industry positively and as economically crucial, such as **Indonesia, Romania** and **Japan**, leave their tobacco control policies vulnerable to being undermined or defeated. These countries also continue to show weak tobacco control measures.

## Countries that improved vs. those that deteriorated between 2019 and 2020

Between 2018 and 2019, 11 countries showed improvement while 15 countries showed scores that have deteriorated (Figure 7). **Pakistan, South Africa** and **Sri Lanka** showed the most improvement.

**Pakistan's** improvement was across nearly every category including reversing tobacco taxation from three- back to two-tier, improving transparency and making its new policy on interaction with the tobacco industry public. **South Africa** made great strides in ensuring the Ministry of Health led the effort in tobacco control policy development, rejecting submissions from the tobacco industry on its taxation policy.

After surviving court challenges for applying large pictorial warnings on cigarette packs, the **Sri Lankan** government has now approved plain packaging of tobacco, and the Health Ministry went to remarkable lengths to benefits that were to be given to the tobacco industry and developed guidelines to implement Article 5.3 to protect tobacco control policies.

**Brazil, Turkey, Indonesia, Kenya** and **Ukraine** show significant deterioration in their scores.

**Brazil's** deterioration is seen particularly in allowing the tobacco industry to participate in policy development. A working group was created through the Ministry of Justice and Public Security to explore reducing tax on locally manufactured cigarettes, chaired by a representative of the Federal Police.<sup>146, 147</sup> Philip Morris Brasil, through its CSR activities, had donated equipment to the Federal Police of Naviraí, municipality of Mato Grosso do Sul to fight the illegal cigarette trade.<sup>148</sup>

**Turkey** saw deterioration in its conflict of interest situation with the appointment of the director of BAT Turkey as their new Deputy Minister of Commerce,<sup>149</sup> while **Indonesia's** deterioration is in increased instances of unnecessary interactions, where ministers and senior officials from multiple ministries endorsed various tobacco industry activities including signing an MOU with Sampoerna/PMI.<sup>150</sup>

In **Kenya**, although government officials are not allowed to endorse or accept donations from the tobacco industry, they accepted a donation from the industry to the COVID-19 Emergency Response Fund established by the President.<sup>151</sup> There was deterioration in unnecessary interactions<sup>152</sup> while there has been no progress in the implementation of preventive measures as Kenya waits for its Cabinet to prescribe a code of conduct for public officials.

**Ukraine** deteriorated mostly in unnecessary interaction with the tobacco industry, especially on taxation issues and tackling illicit trade.<sup>153</sup> Conflicts of interest worsened when the former Deputy Prosecutor General went on to become deputy director and head of the program against smuggling at the Ukrainian Institute for the Future, a think tank supported by PMI.<sup>154</sup>

# Conclusion

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**As in the first Global Tobacco Industry Interference Index report, this second report shows that lack of transparency, conflict of interest and the bestowment of incentives to the tobacco industry remain big problems in many countries and underscore the importance of governments taking concrete action to protect their health policies.**

Very few countries are spared from tobacco industry interference, and no government can rest on its laurels just because they have measures in place, noting the tobacco industry's propensity to circumvent them. The predatory and aggressive way in which the tobacco industry conducts its business warrants governments to implement the recommendations outlined in Article 5.3 Guidelines urgently and be vigilant in monitoring the tobacco industry.

More countries deteriorated compared to those that made improvements, indicating a global need for governments to step up their efforts in protecting their policies and halting tobacco industry interference. While there is progress, it has been moving at a glacial pace relative to the aggressive interference from the industry. Non-health agencies remain particularly vulnerable to industry interference, and political will is needed to effectively implement Article 5.3.



**As countries step-up efforts to strengthen their tobacco control measures, the tobacco industry is also intensifying its interference.**



# Recommendations

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**Governments can halt tobacco industry interference. The quicker governments act to implement the recommendations in the Article 5.3 Guidelines, the better protected they will be to advance their tobacco control policies. They need to take the following action:**

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**1. Protect tobacco control policies using a whole-of-government approach**

Non-health agencies must also reject tobacco industry interference. Bring non-health agencies up to speed on the content of Article 5.3 recommendations to stop the industry from undermining and delaying tobacco control measures.

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**2. Limit interactions with the tobacco industry to only when strictly necessary**

Stopping unnecessary interactions is vital to avoiding industry interference. Governments should limit interactions to controlling and regulating the industry.

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**3. Ensure transparency when interacting with the tobacco industry**

Greater transparency when dealing with the tobacco industry will reduce instances of interference. All interactions with the tobacco industry must be recorded and made publicly available.

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**4. Protect government officials from tobacco industry influence**

Officials need to be free to develop and implement tobacco control measures without industry influence or interference. Adopting a code of conduct or guidance, which shields them from industry interference, will protect tobacco control; however, to be effective, this should apply to all public and elected officials.

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**"The tobacco industry will not stop interfering. Civil society can expose and counter industry interference, but it is in the hands of governments to halt it altogether."**

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**5. Reject non-binding agreements with the tobacco industry**

Partnership and collaboration with the tobacco industry compromises the government and is not effective in achieving tobacco control policy objectives since the industry's interests conflict with public health goals.

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**6. Denormalize so-called socially responsible activities of the tobacco industry**

Governments are called to denormalize these CSR activities, as they are a form of sponsorship, and the industry uses them to whitewash the harm they cause to society and influence policymakers.

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**7. Stop giving incentives to the tobacco industry**

The tobacco industry should not be given incentives, exemptions or tax breaks to run its harmful business. Remove duty-free status of tobacco at duty-free shops.

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**8. Require information from the tobacco industry**

The tobacco industry should be made to disclose its expenditure on marketing, lobbying and philanthropic activities.

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**9. Treat state-owned enterprises the same as other tobacco companies**

State-owned tobacco entities should not be given governmental privilege or be allowed to influence tobacco control policy.

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# Summary table

	AR	BD	BR	BN	KH	CA	CL	CN	CO	CR
<b>Level of participation in policy development</b>	<b>5</b>	<b>6</b>	<b>9</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>18</b>	<b>15</b>	<b>5</b>
The government accepts, supports or endorses offers of assistance by or in collaboration with the tobacco industry in implementing tobacco control policies (Rec 3.1)	1	4	3	0	1	2	2	5	4	0
The government accepts, supports or endorses legislation drafted by or in collaboration with the tobacco industry (Rec 3.4)	3	0	3	0	1	1	2	3	4	0
The government allows the tobacco industry to sit in multi-sectoral committee/advisory group that sets public health policy (Rec 4.8)	1	1	2	0	1	1	1	5	5	4
The government allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or subsidiary bodies or accepts their sponsorship for delegates (Rec 4.9 & 8.3)	0	1	1	1	1	1	1	5	2	1
<b>Tobacco-related CSR activities</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>4</b>
The government receives contributions from the tobacco industry (including so-called CSR contributions) (Rec 6.4); Government agencies/officials endorse, form partnerships with/participate in tobacco industry CSR activities (Rec 6.2)	5	5	2	0	3	3	3	5	4	4
<b>Benefits to the tobacco industry</b>	<b>7</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>7</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>4</b>
The government accommodates requests from the industry for longer implementation time or postponement of tobacco control law (Rec 7.1)	2	5	0	0	2	4	5	4	4	0
The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)	5	5	4	0	4	3	5	3	3	4
<b>Forms of unnecessary interaction</b>	<b>15</b>	<b>8</b>	<b>11</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>12</b>	<b>15</b>	<b>6</b>
Top-level government officials meet with/foster relations with the tobacco companies such as attending social functions and events sponsored or organized by the tobacco companies (Rec 2.1)	5	5	5	0	3	3	1	3	5	2
The government accepts assistance/offers of assistance from the tobacco industry on enforcement (Rec 3.1 & 4.3)	5	0	2	0	0	0	2	5	5	4
The government accepts, supports, endorses or enters into partnerships or agreements with the tobacco industry (Rec 3.1)	5	3	4	0	0	5	4	4	5	0

	CZ	EC	EG	ET	FR	GE	DE	GH	IN	ID	IR	IL	JP	JO	KZ	KE	KR	LA	LB	MY	MV
	7	10	9	7	4	15	5	6	7	15	4	14	19	16	8	2	3	12	10	10	5
	4	3	0	4	2	4	3	3	1	5	1	5	4	5	2	0	0	5	2	1	0
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	3	4	3	2	1	3	4	1	2	5	1	0	3	5	4	5	5	5	4	3	1
	0	4	2	3	1	3	2	1	3	5	1	0	3	5	2	0	0	5	4	2	1
	2	4	4	1	1	3	1	1	4	5	0	0	4	5	0	0	0	5	4	0	0

# Summary table cont.

	AR	BD	BR	BN	KH	CA	CL	CN	CO	CR
<b>Transparency</b>	<b>6</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>4</b>	<b>5</b>	<b>8</b>	<b>9</b>	<b>8</b>
The government does not publicly disclose meetings/ interactions with the tobacco industry where such interactions are strictly necessary for regulation (Rec 2.2)	1	3	3	1	2	2	2	5	5	3
The government requires rules for the disclosure or registration of tobacco industry entities, affiliate organizations and individuals acting on their behalf including lobbyists	5	5	3	5	5	2	3	3	4	5
<b>Conflict of interest</b>	<b>9</b>	<b>13</b>	<b>4</b>	<b>1</b>	<b>9</b>	<b>4</b>	<b>14</b>	<b>9</b>	<b>9</b>	<b>0</b>
The government does not have a policy (whether written or not) to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns or to require full disclosure of such contributions (Rec 4.11)	5	5	1	1	5	1	4	1	4	0
Retired senior officials work for the tobacco industry (Rec 4.4)	2	4	3	0	0	2	5	3	5	0
Current government officials and their relatives hold positions in the tobacco business including consultancy positions (Rec 4.5, 4.8 & 4.10)	2	4	0	0	4	1	5	5	0	0
<b>Preventive measures</b>	<b>19</b>	<b>18</b>	<b>12</b>	<b>6</b>	<b>17</b>	<b>16</b>	<b>19</b>	<b>18</b>	<b>18</b>	<b>22</b>
The government has a procedure for disclosing records of interaction with the tobacco industry and its representatives (Rec 5.1)	2	4	2	2	5	3	2	4	5	5
The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they should comply with when dealing with the tobacco industry (Rec 4.2)	5	3	3	1	3	4	5	4	4	4
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 and political contributions (Rec 5.2)	2	2	2	0	5	3	5	2	2	3
The government has a program/system/plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines (Rec 1.1, 1.2)	5	5	3	2	2	4	5	5	3	5
The government has a policy prohibiting the acceptance of all forms of contributions from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts or study visit invitations to the government, officials and their relatives (Rec 3.4)	5	4	2	1	2	2	2	3	4	5
<b>TOTAL</b>	<b>66</b>	<b>68</b>	<b>48</b>	<b>14</b>	<b>49</b>	<b>47</b>	<b>64</b>	<b>77</b>	<b>77</b>	<b>49</b>

	CZ	EC	EG	ET	FR	GE	DE	GH	IN	ID	IR	IL	JP	JO	KZ	KE	KR	LA	LB	MY	MV
	10	7	10	4	3	10	8	10	10	10	6	7	8	8	10	2	10	8	10	8	10
	5	4	5	1	2	5	3	5	5	5	4	4	3	5	5	1	5	4	5	3	5
	5	3	5	3	1	5	5	5	5	5	2	3	5	3	5	1	5	4	5	5	5
	7	6	5	5	4	9	8	7	10	11	4	6	15	12	5	6	7	11	10	9	10
	5	4	5	1	1	5	5	4	5	5	1	1	5	5	5	1	5	1	5	5	5
	2	1	0	3	2	3	2	1	5	5	2	2	5	2	0	2	1	5	1	4	3
	0	1	0	1	1	1	1	2	0	1	1	3	5	5	0	3	1	5	4	0	2
	20	21	22	12	10	22	23	23	16	16	10	14	23	13	25	16	18	19	22	20	13
	5	5	5	4	2	5	5	5	4	5	1	2	5	3	5	4	5	5	5	5	1
	5	4	5	3	2	5	5	4	4	2	3	3	5	2	5	4	2	2	5	5	3
	3	3	2	2	1	2	3	5	2	2	2	2	3	3	5	4	5	3	2	5	3
	2	5	5	2	3	5	5	4	2	5	3	5	5	3	5	3	3	4	5	2	2
	5	4	5	1	2	5	5	5	4	2	1	2	5	2	5	1	3	5	5	3	4
	60	69	61	42	27	77	63	58	61	82	34	48	88	77	63	40	56	73	76	63	48

# Summary table cont.

	MX	MZ	MM	NP	NL	NZ	NG	PK	PE	PH
<b>Level of participation in policy development</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>11</b>	<b>8</b>	<b>4</b>	<b>16</b>
The government accepts, supports or endorses offers of assistance by or in collaboration with the tobacco industry in implementing tobacco control policies (Rec 3.1)	1	2	1	0	0	3	3	1	2	5
The government accepts, supports or endorses legislation drafted by or in collaboration with the tobacco industry (Rec 3.4)	1	0	2	0	2	0	3	1	0	5
The government allows the tobacco industry to sit in multi-sectoral committee/advisory group that sets public health policy (Rec 4.8)	1	1	0	1	0	2	4	5	1	5
The government allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or subsidiary bodies or accepts their sponsorship for delegates (Rec 4.9 & 8.3)	1	1	1	1	1	1	1	1	1	1
<b>Tobacco-related CSR activities</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>4</b>
The government receives contributions from the tobacco industry (including so-called CSR contributions) (Rec 6.4); Government agencies/officials endorse, form partnerships with/participate in tobacco industry CSR activities (Rec 6.2)	2	4	4	2	1	1	4	5	1	4
<b>Benefits to the tobacco industry</b>	<b>2</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>4</b>	<b>5</b>
The government accommodates requests from the industry for longer implementation time or postponement of tobacco control law (Rec 7.1)	0	4	4	3	3	0	4	0	3	0
The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)	2	3	3	3	2	3	3	2	1	5
<b>Forms of unnecessary interaction</b>	<b>9</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>11</b>
Top-level government officials meet with/foster relations with the tobacco companies such as attending social functions and events sponsored or organized by the tobacco companies (Rec 2.1)	4	3	0	2	1	0	4	3	0	4
The government accepts assistance/offers of assistance from the tobacco industry on enforcement (Rec 3.1 & 4.3)	2	2	0	0	5	0	2	2	3	4
The government accepts, supports, endorses or enters into partnerships or agreements with the tobacco industry (Rec 3.1)	3	2	3	1	1	0	2	0	1	3

	RO	SB	ZA	ES	LK	SD	TZ	TH	TR	GB	UG	UA	UY	US	VN	ZM
	<b>12</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>14</b>	<b>1</b>	<b>16</b>	<b>3</b>	<b>4</b>	<b>13</b>	<b>2</b>	<b>15</b>	<b>12</b>	<b>13</b>
	5	0	3	0	3	0	3	0	5	1	1	3	0	5	4	4
	5	3	1	0	2	0	5	0	5	1	1	4	0	5	3	3
	1	0	3	5	0	2	1	0	5	0	1	5	1	5	4	5
	1	1	1	1	1	1	5	1	1	1	1	1	1	0	1	1
	<b>1</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>5</b>
	1	5	5	5	1	5	5	4	0	1	3	3	0	5	5	5
	<b>10</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>7</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>10</b>
	5	2	3	0	3	3	5	3	4	0	1	3	2	5	0	5
	5	3	4	5	0	4	4	2	5	3	0	2	1	4	1	5
	<b>13</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>13</b>	<b>0</b>	<b>3</b>	<b>10</b>	<b>10</b>
	5	4	0	4	0	4	4	2	5	1	2	4	0	3	5	5
	5	2	0	4	3	0	1	2	0	1	0	5	0	0	5	0
	3	0	5	3	0	0	0	0	0	0	1	4	0	0	0	5

# Summary table cont.

	MX	MZ	MM	NP	NL	NZ	NG	PK	PE	PH
<b>Transparency</b>	<b>5</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>4</b>	<b>3</b>
The government does not publicly disclose meetings/ interactions with the tobacco industry where such interactions are strictly necessary for regulation (Rec 2.2)	3	5	4	5	2	2	4	3	1	0
The government requires rules for the disclosure or registration of tobacco industry entities, affiliate organizations and individuals acting on their behalf including lobbyists	2	4	5	3	5	3	1	5	3	3
<b>Conflict of interest</b>	<b>10</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>0</b>	<b>11</b>
The government does not have a policy (whether written or not) to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns or to require full disclosure of such contributions (Rec 4.11)	5	5	1	5	5	3	2	5	0	5
Retired senior officials work for the tobacco industry (Rec 4.4)	3	0	3	0	1	1	3	4	0	3
Current government officials and their relatives hold positions in the tobacco business including consultancy positions (Rec 4.5, 4.8 & 4.10)	2	0	2	0	1	1	0	0	0	3
<b>Preventive measures</b>	<b>15</b>	<b>25</b>	<b>21</b>	<b>17</b>	<b>9</b>	<b>13</b>	<b>9</b>	<b>13</b>	<b>19</b>	<b>7</b>
The government has a procedure for disclosing records of interaction with the tobacco industry and its representatives (Rec 5.1)	4	5	5	5	1	2	3	2	1	1
The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they should comply with when dealing with the tobacco industry (Rec 4.2)	4	5	2	4	1	2	1	2	5	1
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 and political contributions (Rec 5.2)	2	5	5	5	2	3	1	2	3	2
The government has a program/system/plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines (Rec 1.1, 1.2)	3	5	5	2	4	4	3	2	5	2
The government has a policy prohibiting the acceptance of all forms of contributions from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts or study visit invitations to the government, officials and their relatives (Rec 3.4)	2	5	4	1	1	2	1	5	5	1
<b>TOTAL</b>	<b>47</b>	<b>61</b>	<b>54</b>	<b>43</b>	<b>39</b>	<b>33</b>	<b>49</b>	<b>50</b>	<b>36</b>	<b>57</b>



	RO	SB	ZA	ES	LK	SD	TZ	TH	TR	GB	UG	UA	UY	US	VN	ZM
	10	8	7	5	10	8	8	7	10	4	6	8	6	5	6	9
	5	3	4	3	5	3	5	3	5	0	3	4	1	3	1	5
	5	5	3	2	5	5	3	4	5	4	3	4	5	2	5	4
	9	3	5	12	7	5	7	12	5	8	2	6	4	10	6	6
	4	3	4	5	5	5	5	4	5	4	1	0	4	5	1	5
	0	0	1	5	0	0	0	4	0	2	1	3	0	5	0	0
	5	0	0	2	2	0	2	4	0	2	0	3	0	0	5	1
	22	18	21	19	14	25	25	10	22	11	12	20	19	19	16	25
	5	3	5	5	3	5	5	2	5	2	4	5	5	2	5	5
	5	5	3	2	3	5	5	2	5	3	2	5	5	5	3	5
	2	5	4	2	4	5	5	2	2	2	1	4	2	2	2	5
	5	2	5	5	3	5	5	2	5	2	4	4	5	5	4	5
	5	3	4	5	1	5	5	2	5	2	1	2	2	5	2	5
	77	49	58	63	44	57	73	43	67	32	31	68	34	66	56	78

# Appendix A:

## COVID-19-related TI CSR activities and government response, March-May 2020 (not an exhaustive list)

	TI Donation	Government action
1. <b>Bangladesh</b>	March 31: BAT Bangladesh provided personal protective equipment (PPE) to public hospitals	April 3: Ministry of Industries wrote to various agencies to cooperate with the operation of BAT and JTI during the COVID-19 shutdown. May 20: Ministry of Health and Family Welfare's intervention was unsuccessful.
2. <b>Brazil</b>	March 25: Philip Morris Brasil contributed R \$500,000 to Santa Cruz hospitals	
3. <b>Canada</b>		March 30: Kahnawake - Prohibited sales of tobacco products until further notice
4. <b>Costa Rica</b>	April 16: PMI contributed artificial respirators	
5. <b>Georgia</b>	March 23: Philip Morris Georgia contributed GEL 100,000 to a special fund by the Business Association of Georgia	
6. <b>India</b>	March 27: India Tobacco Company (ITC) gave INR 1.5 billion (US \$20 million) to contingency fund March 31: ITC sponsored Kerala government's COVID-19 awareness program	April 15: Lockdown 2.0 - government banned sale of tobacco and gutka (chew tobacco)
7. <b>Indonesia</b>	June 19: PT HM Sampoerna Tbk contributed medical supplies and PPE to Regency government	
8. <b>Japan</b>	May-June: Japan Tobacco Inc. made donations to numerous prefectures and cities	
9. <b>Kenya</b>	April 11: BAT Kenya contributed 300,000 liters of sanitizer to various government agencies	April 8: Tobacco listed among essential products during COVID-19 pandemic

10.	<b>Malaysia</b>	April 7: JTI Malaysia contributed MYR 3 million (US \$692,000) towards COVID-19 charity	
11.	<b>Mexico</b>	May 2: BAT contributed PPE to hospitals	April 24: Prohibited use and sale of e-cigarettes
12.	<b>Myanmar</b>	March 26: Myanmar traditional cheroot producers association donated MMK 35 million (US \$25,000) to the National Central Committee on Prevention, Control and Treatment of Coronavirus Disease 2019 (COVID-19)	
13.	<b>Nigeria</b>	March 31: International Tobacco Company donated PPE to government efforts	
14.	<b>Philippines</b>	April 07: Japan Tobacco International (JTI) donated 7,000 units of PPE April 14: Philip Morris Fortune Tobacco Corp Inc.'s (PMFTC) donated medical equipment and food April 16: JTI donated PPE	March 29: General Luna town in Quezon province bans cigarette sales April 27: Sale of sin products still banned in General Luna town
15.	<b>Romania</b>	March 27: PMI gave US \$1 million to Red Cross	
16.	<b>South Africa</b>	April 1: Johann Rupert and family (shareholder in BAT S Africa) made ZAR 1 billion (US \$50 million) donation to a fund to help other businesses	March 26: Prohibited sale of tobacco products during COVID-19 lockdown
17.	<b>Turkey</b>	May 11: JTI Turkey contributed TRY 1.255 million (US \$150,000) and PHILSA Philip Morris Sabancı Cigarette and Tobacco Inc. gave TRY 4.724 million (US \$650,000) to presidential fundraising campaign	
18.	<b>Uganda</b>	April 21: Tribert Rujugiro Ayabatwa (Meridian Tobacco Co) gave US \$70,000 to government to combat COVID-19	
19.	<b>Ukraine</b>	April 2: Philip Morris gave US \$10 million to Health for All Charitable Foundation	
20.	<b>USA</b>	March 20: Altria Group, Inc. gave US \$1 million April 16: Altria and its subsidiary U.S. Smokeless Tobacco Company gave US \$55,000 May 4: Altria gave US \$90,000 to Kentucky	March 31: Vape, smoking and cigar shops listed as non-essential business and must close (and cannot provide delivery)
21.	<b>Vietnam</b>	March 27: Vinataba gave US \$12,788 for PPE to Bach Mai hospital	
22.	<b>Zambia</b>	June 25: JTI gave US \$150,000 to schools and clinics in Eastern Province	

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