# Cote d'Ivoire

# TOBACCO INDUSTRY INTERFERENCE INDEX 2023

### Introduction

The interference of the tobacco industry in public policies to combat tobacco is one of the major obstacles facing public authorities.

The main tobacco company in Côte d'Ivoire is Société Ivoirienne des Tabacs (SITAB), a subsidiary of Imperial Tobacco. The BAT West Africa West (WAW) cluster operates in Abidjan. SITAB sells cigarette brands such as Fine, Gauloises Blondes, Excellence, Mustang and Good Look, among others. BAT Côte d'Ivoire is an importer and distributor of tobacco products in the country.

SITAB reported sales of XOF 72,660.56 million in 2022 compared to XOF 65,522.94 million a year ago. Net income in 2022 was XOF 7,271.8 million compared to XOF 3,724.02 million a year ago<sup>2</sup>. Tobacco industry's business is increasing in Cote d'Ivoire and the top selling cigarette brand is 'Fine'.

To protect its business, the tobacco industry opposes and undermines tobacco control measures. To address this, the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) includes Article 5.3 which states that "In defining and implementing their public health policies on tobacco control, Parties shall ensure that such policies are not influenced by the commercial and other interests of the tobacco industry, in accordance with national law".

To support the implementation of Article 5.3, the tobacco industry interference index, a civil society report is developed. Indeed, the tobacco industry interference index is an assessment of governments' implementation of Article 5.3 to protect the government from tobacco industry interference. Côte d'Ivoire uses the questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA). The information for this report was collected using 20 questions, divided into seven categories, from publicly available sources including websites, media reports, reports, and tobacco company websites. The scores range from 0 to 5. The lower the score, the better the compliance with Article 5.3 of the WHO FCTC and its implementation guidelines. The first Tobacco Industry Interference Index Report for Cote d'Ivoire was published in August 2021. This report presents Côte d'Ivoire's scores from April 2021 to March 2023 in terms of tobacco industry interference over this period.

### **Methodology**

For this purpose, data collection was made from publicly available sources of information. The search was thus limited to information from official websites, libraries of public institutions, as well as reports from tobacco and affiliated companies and public institutions. Semi-structured interviews were held with key actors involved in the implementation of the guidelines in Article 5.3 of the FCTC. Field observation was also mobilized. The results were submitted for validation to a group of multidisciplinary experts working in the field of tobacco. The report was revised and finalized on the basis of the contributions received. The questions refer to the 20 most frequently reported incidents of tobacco industry interference in the country. They refer to specific recommendations from Article 5.3 guidelines of the FCTC Treaty. This report is used to quantify the intensity, frequency or severity of a given

<sup>&</sup>lt;sup>1</sup> Sika Finance. SITAB Company Profile. Available at: bit.ly/43IPFmm

<sup>&</sup>lt;sup>2</sup> Investing.com. Société ivoirienne des tabacs SA (STBC). Available at: <a href="https://bit.ly/3Nlkwdz">https://bit.ly/3Nlkwdz</a>

interference incident. The methodology used made it possible to ignore the subjectivity of the respondents / researchers. The scores established by item and the scores collected were reviewed.

## **Summary of Findings**

This index shows that tobacco companies interfered in the implementation of tobacco control policies. If they do not present themselves directly, they go through front groups that represent them in the negotiations. Although anti-tobacco legislation has been adopted (adoption of FCTC, anti-smoking law, decree prohibiting smoking in public places and public transport, the adoption of the decree on the modalities of application of health warnings, packaging, labelling, and marketing of tobacco and tobacco products, as well as that of on the establishment of a system of tracking, tracing and tax verification of tobacco products), there are no specific provisions to protect them from interference by the tobacco industry. Only Ordinance No. 2013-660 of 20 December 2013 on the prevention and fight against corruption and transparency offences, which is globalizing, is exploited by tobacco control actors.<sup>3</sup>

### I. TOBACCO INDUSTRY INVOLVEMENT IN POLICY DEVELOPMENT

The tobacco companies have expressed their wish to contribute to the drafting of the decree on the modalities of application of health warnings, packaging, labeling, and marketing of tobacco and tobacco products, and that relating to the establishment of a system of monitoring, traceability and tax verification of tobacco products.

### 2. CORPORATE RESPONSIBILITY (CSR) ACTIVITIES OF THE TOBACCO INDUSTRY

Over the past five years, there have been no reports of CSR cases by tobacco companies. However, it should be noted that in the past, tobacco companies portrayed themselves to be socially responsible companies through donations on the occasion of the celebration of World Day of Certain Pathologies. These donations were given to village communities. <sup>4</sup>

### 3. BENEFITS FOR THE TOBACCO INDUSTRY

The General Confederation of Enterprises of Côte d'Ivoire (CGECI) speaks on behalf of tobacco companies to claim benefits. This is the case where this umbrella of companies in Côte d'Ivoire had to negotiate tax breaks benefiting tobacco companies. This is the tax annex of 2018 and 2020 where the CGECI pleaded for the maintenance of the taxation of all companies including tobacco companies. This led to the revision of the tobacco tax increase by a single point (35 to 36% in 2018) and from 38 to 39% in 2021, for reasons related to the economic difficulties caused by Covid-19.<sup>5</sup>

In terms of incentives, the State of Côte d'Ivoire elected the Chief Executive Officer (CEO) of Mata holding as the best business leader of the year 2017.

<sup>&</sup>lt;sup>3</sup>Ordinance No. 2013-660 of 20 December 2013 on the prevention and fight against corruption and transparency offences. Available at: <a href="http://bitly.ws/fQv9">http://bitly.ws/fQv9</a>

<sup>4</sup>https://bit.ly/3BVBQOk Link does not work

<sup>&</sup>lt;sup>5</sup>Finance Act 2021/ CGECI and Cabinet Mondon present the tax schedule to the Ivorian private sector. Available at: https://bit.ly/3BX4EGo

### 4. UNNECESSARY INTERACTIONS

The Ivorian Prime Minister participated in the launching ceremony of the activities of the supermarket chain CITYDIA of the Mata Holding group, known as an ally of the tobacco industry. This supermarket is owned by FOFANA Aboubacar, an ally of the tobacco industry, and distributes tobacco products.

### 5. TRANSPARENCY

Authorities do not disclose their interactions with tobacco companies. This is facilitated by the fact that the anti-smoking law does not have a specific provision taking into account Article 5.3 of the FCTC. However, Article 5 of the Anti-Tobacco Law requires that information on the quality, quantity and component of tobacco products be disclosed. Moreover, there is no evidence of the publication of meetings between tobacco companies and public authorities.

### 6. CONFLICTS OF INTEREST

No evidence of conflict of interest between the government and tobacco companies has been reported in any channel. Political parties have no support from tobacco companies. Also, there is no evidence that retired or serving public servants hold positions within the tobacco industry. However, an influential member of the Tobacco Industry, Mr. MAGNE Woelffell Pierre René, including the Ivorian Tobacco Company (SITAB) sits on the Economic, Social, Environmental and Cultural Council of Côte d'Ivoire.<sup>6</sup>

### 7. PREVENTIVE MEASURES

Specifically, there is no code of conduct governing interactions with the tobacco industry. However, all civil servants are subject to Ordinance No. 2013-660 of 20 September 2013 on the prevention and fight against corruption and similar offences. Article 28 of the Ordinance states that "any public official who solicits, approves or receives, without right, directly or indirectly, offers, promises, gifts, gifts or any gift or benefit whatsoever for himself or herself or for a person or entity, to perform or abstain from performing or refraining from performing an act of his office, shall be punished by imprisonment of five to ten years and a fine of 5,000,000 to 10,000,000 francs, its mission or mandate or facilitated by its function, mission or mandate. » »<sup>7</sup>

<sup>&</sup>lt;sup>6</sup>Economic, Social, Environmental and Cultural Council of Côte d'Ivoire- Consultants. Available at: <a href="https://bit.ly/3OAOat4">https://bit.ly/3OAOat4</a> (73rd on the list)

<sup>&</sup>lt;sup>7</sup>Ordinance No. 2013-660 of 20 December 2013 on the prevention and fight against corruption and transparency offences. Available at: http://bitly.ws/fQv9

### Recommendations

In the light of the above conclusions, it is recommended that the Government:

- I- The need to create an inter-ministerial committee is recommended to facilitate synergy of actions and share information;
- 2- The Ministry of Good Governance should complete and implement a procedure concerning relations with the tobacco industry and its representatives, including representatives of tobacco retailers in the form, inter alia, of charters, code of conduct for civil servants and public officials specific to the tobacco industry and make all interaction made necessary by publishing information about the interaction. (cf. agenda, participants, minutes, results);
- 3- The Ivorian authorities should actively engage in introducing legal provisions relating to the implementation of Article 5.3 and its guidelines;
- 4- Substantial popularization of the Tobacco Control Act remains very essential;
- 5- The Ivorian authorities should make effective the popularization of tobacco components;
- 6- Exclude from negotiations with the Confederation (CGECI) of companies of Côte d'Ivoire and the Union of Large Industrial Companies of Côte d'Ivoire all issues related to tobacco and tobacco products during negotiations on the finance law or other public health policies for conflict of interest;<sup>8</sup>
- 7- Encourage the creation of an inter-ministerial committee on which civil society should sit to better monitor the interactions between public authorities and the tobacco industry.
- 8- Civil society should initiate advocacy with the Ministry of Health on the promotion of good governance to adopt legal texts on Article 5.3 at the national level.
- 9- Prohibit the appointment to public office of personalities recognized as representatives of the tobacco industry.

<sup>8</sup>General Confederation of Enterprises of Côte d'Ivoire

# 2023 Tobacco Industry Interference Index Results and conclusions

Results and conclusions								
	0		2	3	4	5		
INDICATOR I: Degree of tobacco industry involvement in policy development								
Governments accept, support or approve any offer of assistance made by or in collaboration with the tobacco industry in defining or implementing public health policies on tobacco control (Rec 3.1)				3				
The Government of Côte d'Ivoire does not collaborate with tobacco companies in the development of tobacco control policies. However, the tobacco industry through the General Confederation of Enterprises of Côte d'Ivoire (CGECI) and the Union of Large Industrial Companies of Côte d'Ivoire (UGE-CI) is involved in the development of decrees on the modalities of application of health warnings, packaging, labeling, and marketing of tobacco and tobacco products, and the establishment of a system for the monitoring, traceability and tax audit of tobacco products.  With regard to the adoption of the tax bill, tobacco companies through the CGECI rely on the argument of predictability of the tax law to request their participation in the working sessions. Among the stated objectives of the CGECI are to defend its members, register in the National Development Plan (PND, five-year development plan) and to develop the industry in Côte d'Ivoire.						he ge es of ng, on ng er		
2. Governments accept, support or approve <u>policies or legislation</u> <u>developed</u> by/in collaboration with <u>the tobacco industry</u> . (Rec 3.4)			2					
The government does not accept policies or legislation developed by/in collaboration with the Tobacco Industry. The authorities remained in the drafting of the two aforementioned decrees and the decrees were adopted on January 26, 2022 without the collaboration of the Tobacco Manufacturers (CGECI and UGE-CI) although there were attempts.  Indeed, UGE-CI sent a letter to the Ministry of Health to be associated with the elaboration of the law in relation to an agreement it would have had with the Ministry (The Ministry of Health has provided us with this information on a confidential basis).								
3. The government allows/invites a tobacco industry representative to sit on its inter-agency body/multi-sectoral committee/advisory group that develops public health policy. (Rec 4.8)			2					
There is no Interagency/Multisectoral Advisory Committee on tobacco control in Côte d'Ivoire. The Ministry of Health, which initiates and develops all health policy, does not invite the tobacco industry to be involved in policy development. However, an influential member of the tobacco industry including the Ivorian Tobacco Society (SITAB), Mr. Magne						ot ial		

<sup>&</sup>lt;sup>9</sup> CGECI. Union of Large Industrial Enterprises of Côte d'Ivoire/ Mr. Eric Thiam-Sabates elected new President. March 2023. Available at: <a href="https://bit.ly/41zDQaY">https://bit.ly/41zDQaY</a>

- 5. Has. Government agencies or their representatives approve. support, form partnerships or participate in tobacco industry activities described as socially responsible. (Rec 6.2)
  - B. The government (its agencies and representatives) accepts contributions (financial or otherwise) from the tobacco industry (including CSR contributions). (Rec 6.4)

No report of incidents of CSR activities endorsed by government officials were found.

### **INDICATOR 3: Benefits to the Tobacco Industry**

6. The government is responding to requests from the tobacco industry for a longer period of time for the implementation or postponement of the Tobacco Control Act. (For example, the 180-day period is commonly used for illustrated health warnings, the tax increase can be implemented within a month) (Rec 7.1)

3

To date, tobacco packaging is required to display a text warning only on a side sign. Once the warning requirements under section 11 of Law No. 2019-676 are in force, according to the decree on the application of health warnings, packaging, labelling, and marketing of tobacco and tobacco products, health warnings must cover 70% of the double-sided sides. But this decree is not yet implemented as stipulated in Article 34 of Law No. 2019-676 of 23 July 2019 on tobacco control in Côte d'Ivoire. 12

<sup>&</sup>lt;sup>10</sup> Office of the Economic, Social, Environmental and Cultural Council. ORGANIC LAW N° 2018-867 OF NOVEMBER 19, 2018 determining the composition and functioning of the economic, social, environmental and cultural council as amended by order n° 2021-755 of December 1, 2021 21 Feb. 2021 Available at: https://bit.ly/45igSYx

<sup>&</sup>quot;CGECI. Union of Large Industrial Enterprises of Côte d'Ivoire/ Mr. Eric Thiam-Sabates elected new President. March 2023. Available at: https://bit.ly/41zDQaY

<sup>&</sup>lt;sup>12</sup> BILL NO. 2019-676 OF JULY 23, 2019 on tobacco control in Cote d'Ivoire. Available at: https://bit.ly/3MFPyfM

	0	2	3	4	5
7. Governments grant privileges, incentives, tax exemptions or					5
advantages to the tobacco industry (Rec 7.3)					,

The government does not grant tax privileges to the tobacco industry. However, tobacco companies are turning into the Ivory Coast Business Authority (CGECI) to negotiate tax breaks. This is the case of the 2018 and 2020 tax annex where the CGECI advocated for the maintenance of the taxation of all companies including tobacco companies. This made it possible to revise the increase in the tobacco tax by only one point (35 to 36% in 2018) and from 38 to 39% in 2021 because of the difficulties related to Covid-19. This level of taxation is way below the recommended level by WHO which is 75% of the retail price of tobacco. With this low level of taxation, cigarettes remain cheap and affordable.

According to the draft decree presented to the Council of Ministers on January 26, 2022 on the modalities of application of health warnings, packaging, labeling, and marketing of tobacco and tobacco products, health warnings will have to cover 90% of packaging. But the version of this signed decree, called Decree No. 2022-75 of January 26, 2022 provides in Article 2 that health warnings must cover only 70% (instead of 90%) of the main faces on both sides. This decree was to be implemented in March 2023 with respect to health warnings, according to Article 21 of the decree.

INDICATOR 4: Unnecessary forms of interaction						
8. Senior government officials (such as the President/Prime Minister or Minister) meet/establish relationships with tobacco companies, for example by participating in social and other events sponsored or organized by tobacco companies or by those who promote its interests. (Rec 2.1)		ı				
Since the first Index 2021 report, there has been no interaction between government officials and the tobacco industry.						
9. Governments accept assistance/offers of assistance from the tobacco industry in law enforcement, such as conducting police raids against contraband tobacco or implementing smoke-free policies or prohibiting sales to minors. (Including a financial contribution for these activities) (Rec 4.3)		1				
This type of offer has not been seen in our country.						
10. Governments accept, support or enter into partnerships with the tobacco industry. (Rec 3.1)  NOTE: This should not involve CSR, enforcement activity or tobacco control policy development, as these issues are already						

covered in the previous questions.

<sup>&</sup>lt;sup>13</sup>Finance Act 2021/ CGECI and Cabinet Mondon present the tax schedule to the Ivorian private sector. Available at: <a href="https://bit.ly/3r120zm">https://bit.ly/3r120zm</a>

<sup>&</sup>lt;sup>14</sup> Working session between the Direction Générale des Impôts (DGI) and the Cercle d'échanges et de Réflexion (CER). Available at: <a href="https://bit.ly/3BEcO7A">https://bit.ly/3BEcO7A</a>

There is no current record of civil servants occupying positions in the tobacco industry. However, an influential member of the tobacco industry, including the Ivorian Tobacco Company (SITAB), sits on the Economic, Social, Environmental and Cultural Council of Côte d'Ivoire. Mr. SABATES THIAM was also appointed president of UGE-CI, Union of Large Industrial Companies of Côte d'Ivoire, one of the structures that defend the cause of companies in Côte d'Ivoire<sup>15</sup>.

### **INDICATOR 7: Preventive measures**

16. The Government has put in place a procedure for disclosing documents of the interaction (such as agenda, participants, minutes and results) with the tobacco industry and its representatives. (Rec 5.1)

There is no procedure for disclosing documents of interaction with the tobacco industry and its representatives.

17. The Government has formulated, adopted or implemented a code of conduct for public servants, prescribing standards to be followed in their interactions with the tobacco industry. (Rec 4.2)

3

5

Specifically, there is no code of conduct in interactions with the tobacco industry. All civil servants are subject to Ordinance No. 2013-660 of 20 September 2013 on the prevention and fight against corruption and similar offences<sup>16</sup>. Most services also have internal charters of good conduct but which are not specific to tobacco companies.

However, progress has been made through some initiatives. Indeed, a draft decree on the implementation of article 5.3 is already drafted by the Ministry in charge of Health. This project is part of the programming of priority legal texts to be analyzed by the government this year 2023 (Source Ministry).

In addition, initiatives in terms of moralization of the social body are underway at the level of the Ministry in charge of promoting Good Governance. This is the decree establishing the establishment of codes of conduct and control mechanisms (Source Ministry).

18. The government requires the tobacco industry to periodically submit information on tobacco production, tobacco product manufacturing, market share, marketing expenses, revenues and any other activities, including lobby activities, charitable activities, political contributions and any other activities. (5.2)

3

This requirement is made by Law No. 2019-676 of 23 July 2019 on tobacco control in Côte d'Ivoire in Article 5 "Manufacturers and importers of tobacco products have the

<sup>&</sup>lt;sup>15</sup>CGECI. Union of Large Industrial Enterprises of Côte d'Ivoire/ Mr. Eric Thiam-Sabates elected new President. March 2023. Available at: <a href="https://bit.ly/3olq7GT">https://bit.ly/3olq7GT</a>

<sup>16</sup>Official journal of the Republic of Ivory Coast. Available at: <a href="https://bit.ly/3WVBsKD">https://bit.ly/3WVBsKD</a>

obligation to communicate annually to the Ministry in charge of Health any information relating to the quality, quantity, composition and emissions of tobacco products". Although the law provides for this, tobacco companies do not comply with this requirement.

19. The Government has a program/system/plan to systematically raise awareness of policies related to the guidelines of Article 5.3 of the FCTC. (Rec 1.1, 1.2)

No program/system/plan to raise departmental awareness of policies related to FCTC Article 5.3 guidelines is available.

Only the Ministry of Health, Public Hygiene and Universal Health Coverage through the PNLTA organizes workshops on an ad hoc basis during which Article 5.3 is addressed. A

Only the Ministry of Health, Public Hygiene and Universal Health Coverage through the PNLTA organizes workshops on an ad hoc basis during which Article 5.3 is addressed. A draft decree on the implementation of Article 5.3 is drafted by the Ministry of Health. This project is part of the programming of priority legal texts to be analyzed by the government this year 2023 (Source Ministry).

In addition, initiatives in terms of moralization of the social body are underway at the level of the Ministry in charge of promoting Good Governance. This is the decree establishing the establishment of codes of conduct and control mechanisms (Source Ministry).

20. The Government has a policy in place to prohibit the acceptance of all forms of contributions/gifts from the tobacco industry (financial or otherwise), including offers of assistance, draft policies or invitations to study visits given or offered to the government, its agencies, civil servants and their relatives. (3.4)

Only Ordinance No. 2013-660 of 20 September 2013 on the prevention and fight against corruption and similar offences remains the text of the law in force. This ordinance served as a basis for tobacco control actors to prevent a trip to Switzerland proposed by the tobacco industry to MPs in 2019.

However, this ordinance is universal. Specific legislation to regulate the tobacco industry's interaction with public authorities is still needed. In this sense, initiatives in terms of moralization of the social body are underway at the level of the Ministry in charge of promoting good governance. This is the decree establishing the establishment of codes of conduct and control mechanisms (Source Ministry).

TOTAL 48

<sup>&</sup>lt;sup>17</sup>Bill no. 2019-676 of July 23, 2019 on tobacco control in Cote d'Ivoire. Available at: <a href="https://bit.ly/3zPQxkb">https://bit.ly/3zPQxkb</a>

### **APPENDIX A: SOURCES OF INFORMATION**

### **ACTIVITY OF THE TOBACCO INDUSTRY**

### **LOCAL TOBACCO COMPANIES**

Top 5 local tobacco companies	Market shares and brands	Source
		https://bit.ly/2WEYZob
		https://bit.ly/3x82mk0
SITAB S.A and SITAB Industries	60% (2021) Fine, Pall Mall, P&S,	https://bit.ly/3rHzbTT
STIAB S.A and STIAB industries	WEST, Davidoff, Excellence	https://bit.ly/2Vnu4Mw
		https://bit.ly/3yf8vfn (Rank 41st and 59th respectively)
		https://bit.ly/37akoaE
	2016 revenues: 30 967 331 923 FCFA marketing of tobacco, cigarettes and all	https://bit.ly/2WFF8VR
IDT		https://bit.ly/3feD3GI
	tobacco products	https://bit.ly/3yf8vfn (Rank 139e)
		https://bit.ly/2WEYZob
	2016 revenues: 144 776 683 314	https://bit.ly/3i9XMgS
CDCI	FCFA All brands of	https://bit.ly/3xfhlmH
	cigarettes and cigars	https://bit.ly/3yf8vfn (Rank 24e)
Africa Tobacco	2015 turnover: 2,645,800,212 FCFA Marketing of tobacco, cigarettes and all tobacco products	https://bit.ly/3yf8vfn (Rank 908e)

### **TOBACCO INDUSTRY FRONT GROUPS**

Top 5	Type (Front	
Danuasantativas	_ · · · · · · · · · · · · · · · · · · ·	URL
Representatives	Group/Branch/Individual)	

of the Tobacco Industry		
CGECI	Facade	https://bit.ly/2THQsQ3
Mata Holding	Facade	https://bit.ly/3zQF3gb
		www.mata.ci
UGECI	Facade	https://bit.ly/3j3WuTN
31	Subsidiary	https://bit.ly/3yei9zd
IDT	BAT Subsidiary	https://bit.ly/3xojFxv

### **SOURCES OF INFORMATION**

Top 5 newspapers/dailies	Type (Print/Online)	URL
Fraternity Morning	Print and online	https://www.fratmat.info/ https://bit.ly/2V49W26
KOACI	Online	https://bit.ly/3j36e0G
Our Way	Print and online	https://www.notrevoienews.com/ https://bit.ly/3x8e3qQ
Financial Afrik	Online	https://www.financialafrik.com/ https://bit.ly/3icb1h2
APA News	Online	https://bit.ly/3ffxc3U