

Colombia

Overall score:

77

Summary of Findings

1. Industry participation in policy development

There was a meeting between the tobacco industry and the Tax and Customs Authority where the former provided recommendations on the regulation of taxes on tobacco products, surveillance and training of public officials. The effort to increase taxes was defeated in Congress.

In June 2019, the Minister of Commerce said the government is identifying mechanisms to allow PMI to continue its operations in Colombia, such as producing heated tobacco products (HTPs) in Colombia. This was said after Philip Morris International (PMI) threatened to withdraw its tobacco production from Colombia.

2. Industry CSR activities

Various government departments, including the Ministry of Culture and President's Office, collaborated with and endorsed various activities of the main tobacco companies, PMI and British American Tobacco (BAT) Foundation. BAT Foundation and the Ministry of Culture collaborated on a common initiative to sponsor art in Bogotá and Medellín. The Office of the Presidential Advisor for Stabilization and Consolidation and Coltabaco S.A. (a PMI subsidiary) supported and financed a farmers' association in the sub-national territorial entity of Sucre. This project seeks to support ex-servicemen that are in the process of reincorporation.

3. Benefits to the industry

Several initiatives to strengthen tobacco control were defeated. These include efforts to increase taxes in accordance with the WHO Framework Convention on Tobacco Control (FCTC) and

increasing the size of pictorial warnings on cigarette packs from 30% to 70%, were defeated in Congress. Colombia has signed the Protocol on Elimination of Illicit Trade in Tobacco Products but has not ratified it.

According to Law 534 of 1999 there is a contribution to be paid by tobacco producers to the National Tobacco Fund. This Fund devotes its resources to research, innovation and commercialization of tobacco. Even after the FCTC was ratified by Colombia, both the Fund and the contribution still remain. In addition, the Ministry of Agriculture has recognized the relevance of the tobacco production chain and has devoted both resources and technical assistance to it.

There is a significant concern regarding the import of cigarettes and other tobacco products. As a result of the different Free Trade Agreements entered into between Colombia and other States, a significant amount of these products have been imported into Colombia without having any kind of duties or tariffs paid on them. Cigarette importers also benefit from the special economic zone in La Guajira.

4. Unnecessary interaction

There are several instances of unnecessary interaction between senior government officials and the tobacco industry. The President of Colombia and various other members of the government participated in the Concordia Summit in 2018 sponsored by PMI in a roundtable discussion to further harm reduction. The discussion promoted a number of regulatory levers that the Colombian government can put in place to convert existing smokers towards the adoption of harm reduction products. The President participated again in the Concordia Summit in 2019 sponsored by PMI. In 2019, the Chief Prosecutor handed out prizes to the winners of the

art contest sponsored by both BAT Foundation and the Ministry of Culture.

In August 2019, the National Police and the National Federation of Departments (FND) entered into the Anti-Illicit Trade Agreement, where PMI was to provide technical assistance to the National Police.

5. Transparency

There are no particular provisions under Colombian law requiring the government to disclose meetings or interactions with the tobacco industry. Therefore, the only meetings and interactions, which can be reported, are the ones that have been informed by the media, or others. However, it is difficult to determine whether they are strictly necessary for any type of regulation. Some examples of meetings that have taken place include the following:

On January 30, 2018, there was a meeting between the tobacco industry and the Tax and Customs Authority where the tobacco industry provided recommendations on the regulation of taxes on tobacco products, surveillance and training of the public officials. On April 30, 2019, the Ministry of Agriculture led the Technical Commission for the Tobacco Production Chain in which *Fedetabaco* and BAT participated. As a result of the meeting the participants agree to join efforts in order to update the Competitiveness Agreement of the Tobacco Chain. On June 16, 2019, the Minister of Commerce said in an interview that the Government is identifying mechanisms that may allow PMI to continue its operations in Colombia. One of these mechanisms could be through the production of HTPs in Colombia.

6. Conflict of interest

There is a general prohibition for any type of entities (companies, NGOs, etc.) to make donations to candidates running in the presidential election. However, there is no prohibition for individuals, who may have ties with the tobacco industry to make contributions to a presidential candidate.

Several former senior government officials have joined the tobacco industry or with a firm that provides services to tobacco companies. For example, Juan Carlos Restrepo Piedrahita, the former Director of the Intelligence Agency, former Director of the Anti-Narcotics Agency, former presidential adviser for security is currently Vice-President of BAT. Andrés Escobar, the former Deputy Minister of Finance, is the current CEO of EConcept AEI. This firm has provided consultancy services to PMI.

7. Preventive measures

There is no procedure for the disclosure of interactions between the Government and the tobacco industry or its representatives. There is no specific code of conduct for public officials, prescribing the standards which they should abide to in their dealings with the tobacco industry. The Ministry of Health has established a practice on how public officers should behave when dealing with the tobacco industry. However, this practice is not found in any formal regulation, and not implemented by any other public entity.

There is not a consistent plan to raise awareness on Article 5.3 of the FCTC within its departments. This is partially due to the fact that there are no formal intersectoral coordinating mechanisms on tobacco control as determined by Article 5.2 (a) of the FCTC.

Recommendations

1. Adopt specific regulations aimed at preventing tobacco industry interference in setting and implementing public health policies with respect to tobacco control.
2. Draft enforceable rules that can guarantee the compliance to international obligations: adopt them in the shortest term possible and strictly monitor their implementation.
3. Generate awareness among society about the existing conflicts of interest and the appropriate measures that can serve to address them.
4. Advance in a wider understanding about the need to prevent the industry's interference in public health regulations to achieve higher standards of compliance of the obligations arising under the FCTC.