

GUATEMALA

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

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Background and Introduction

Smoking is one of the leading causes of chronic non-communicable diseases and the main cause of preventable death worldwide. It is also considered a socioeconomic threat to low-income populations. In 2005, with the approval of Decree 47-2005, Guatemala signed and ratified the World Health Organization (WHO) Framework Convention for Tobacco Control (FCTC), to protect the population against the harmful consequences of tobacco consumption and exposure. In 2009, the smoke free environments law (Decree 74-2008) was approved by congress, banning smoking in all workplaces, including bars and restaurants. However, five years after implementation, compliance to the law decreased and airborne nicotine levels had increased almost to pre-law levels.

Tobacco taxation is included in the 1977 Decree 61-77, “Law for Tobacco and its derivatives”. This law considers that tobacco taxation could not be less than 46% of the declared retail price. In 2010, British American Tobacco (BAT) claimed that Decree 61-77 was unconstitutional as it involved “double taxation”. However, the Supreme Court of Justice ruled in favor of BAT and millions of Quetzales (Guatemala currency) were lost in tax revenue. Regarding advertising, the industry has voluntarily removed television, newspapers, and radio advertising. Nevertheless, they continue to heavily advertise at the point of sale (POS).

In 2012, the only tobacco factory, Tabacalera Centroamericana S.A. (TACASA, a Philip Morris International, PMI, subsidiary), was closed. The industry argued the closure was due to the increase in tobacco smuggling. Still, TACASA remains one of the two leading tobacco companies in the market together with BAT Central America. Information on the market share of cigarette sales for each company is not available in the public domain. However, a 2019 report from the World Bank Group states that cigarette sales in Guatemala account to a total of 1.15 billion cigarettes in 2017. Also, according to the Euromonitor data for the country in 2020, standard (non-capsule/non-menthol) cigarette retail volume share was 57.8%, followed by flavour capsule (all flavours) cigarette 32.6% and lastly menthol (non-capsule) 9.6%.

Weak FCTC implementation has provided an environment that allows the industry to introduce new products such as the IQOS, PMI’s heated tobacco product (HTP). In 2017, Guatemala became one of the first Latin American countries where IQOS was available. According to a recent study by Mus et. Al (2022), electronic cigarettes (ecigs) are promoted via social media and sold through the internet and vending machines without regulations which makes them readily available to children and adolescents.

The lack of new tobacco control laws has made it feasible for the industry to expand their business in Guatemala. Most important is the lack of regulations to restrict and monitor the interaction between government officials and the industry. In 2018, the law proposal 5461 “Ley de Control del Tabaco y sus productos” (Law for Tobacco Control and its products) was presented to the Congress and assigned to the Health Commission. The law proposed to regulate unnecessary interactions between the industry and the government, enforce marketing and advertisement restrictions and supervise corporate and social responsibility (CSR) activities from the industry. There is substantial evidence of the

participation and endorsement of the tobacco industry when drafting the law. The proposal was discussed in 6 meetings by Deputies of the Health Commission from April to August 2019. As a major setback, the law proposal 5461 has not been discussed since 2019.

Since 2021, the tobacco industry has been focusing on different strategies to undermine efforts to address the damage associated with smoking – especially after the covid-19 pandemic. Mainly aimed in advancing “smoke-free environments”, by shifting conventional cigarette users to heated tobacco products (HTPs). Also, pushing forward CSR actions related to climate change, and, through different front groups advising the government with vaccination campaigns to increase pro-industry media coverage.

The FCTC recognizes the need to monitor tobacco industry behaviour and actions seeking to influence policymakers and detract effective tobacco control implementation. Therefore, the Southeast Asia Tobacco Control Alliance (SEATCA) created the Tobacco Industry Interference Index based on the FCTC Article 5.3 Guidelines. Information used in this report is obtained from the public domain. It is a tool to monitor the protection of tobacco control policies against the interests of the tobacco industry, and to identify and measure industry interference in the development of public health policies. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates the highest level of industry interference, and 0 is low or no interference. Hence the lower the score, the less tobacco interference and therefore easier for the country for FCTC implementation.

A team of three researchers compiled information available to the public from online search engines, local news sources and governmental agencies websites. We then assessed the intensity, frequency and severity of interference incidents and classified them into seven categories: level of industry participation in policy-development, tobacco-related CSR activities, benefits to the tobacco industry, forms of unnecessary interaction, transparency, conflict of interest (COI), and preventive measures.

This is Guatemala’s second Index and this assessment has recorded a total score of 67 points, which is only marginally better than the 72 points in the first report in 2021. This report gathered evidence for the period between April 2021 and April 2023. However, evidence from earlier years has been included for context.

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

In 2018, the law proposal 5461 “Ley de Control del Tabaco y sus Productos” (Law for Tobacco Control and its products) was presented to the Congress and assigned to the Health Commission. There is substantial evidence of the participation and endorsement of the tobacco industry when drafting the law. The Law proposal has not been discussed since 2019.

The “Fundación para el Desarrollo de Guatemala” (FUNDESA for its acronym in Spanish), a front group where Tabacalera Centroamericana (TACASA) is a member of, has been invited by the congressional Health Commission as part of the organizations that provide technical advice regarding public health matters. As an example, FUNDESA’s Health Commission helped to draft Decree 6-2022, which aimed to expand pediatric vaccination coverage across the country in 2022.

Guatemala has a narrative aligned to the industry, however, there is no evidence linking Guatemalan representatives to the tobacco industry at the most recent Conference of the Parties (COP) in 2021.

2 INDUSTRY CSR ACTIVITIES

TACASA co-sponsored the II Congress for Circular Economy and Biodiversity as part of their CSR activities on climate change. One of the congress’ main objectives was to share success stories, methodologies and tools related to green practices in the private sector.

In 2021, Phillip Morris’s HTP, IQOS, presented their new project to support climate change. The project encourages customers to recycle their used HEETS and reduce tobacco-related waste.

Since the first case of COVID-19, FUNDESA has made several donations to the government, including diagnostic tests, medical equipment, and supplies. Between April and September of 2021 FUNDESA designed, launched, and directly implemented a public-private alliance for the opening of COVID-19 vaccination centres in shopping malls across the country.

3 BENEFITS TO THE INDUSTRY

We found no evidence that the government accommodates requests from the tobacco industry for any tobacco control law, besides what was included in the 2021 index.

In 2021, the tobacco industry, like other industries, were allowed by the central government to take more time to declare taxes. Also, in 2022 the Superintendency of Tax Administration (SAT) declared that the Guatemalan State lost around 23 million quetzales (2.9 million USD) on cigarette income taxes presumably due to three reasons: real price does not match declared price, illegal cigarettes sales and deficient control over commercial transactions of cigarettes by the SAT.

4 UNNECESSARY INTERACTION

Since the 2021 Tobacco Interference Index in Guatemala, no regulations that oversee the interactions between the industry and government have been implemented. However, it is likely that these interactions are happening and therefore need to be regulated.

There is evidence that TACASA co-sponsored the Congress for the Acceleration and Recovery for the Economy organized by the Ministry of Economy of Guatemala in September 2022.

The “Mesa de Competitividad” (Competitive Table) de Alta Verapaz (a northern State in Guatemala) which is a platform of FUNDESA a think tank partly funded by TACASA, aims to promote economic development in the northern region of the country. The “Mesa” project was mentioned in the 2021 tobacco interference index report and is still active, working around infrastructure, education, and health care.

We found no evidence that the tobacco industry is assisting the government in any way. However, it is noteworthy that, according to some newspapers (elPeriodico, Prensa Libre), the government is seizing illegal cigarettes around the country.

There is evidence that Phillip Morris is promoting Guatemala as a smoke free environment, but there is no evidence that the State or other tobacco control advocates are involved in this marketing strategy.

5 TRANSPARENCY

Guatemala does not currently have a law or code of conduct to assess disclosure from any tobacco industry relationship. Law proposal 546I that addresses transparency between tobacco industry and government has not been discussed in Congress since August 2019.

6 CONFLICT OF INTEREST

No current government officials hold positions within the tobacco industry.

Guatemala does not prohibit contributions from the tobacco industry to political parties or candidates. Law proposal 546I that addresses conflict of interest between tobacco industry and government has not been discussed in Congress since August 2019.

7 PREVENTIVE MEASURES

Currently, Guatemala does not have any mechanism to regulate the interaction between government and the tobacco industry. In addition, contributions from the industry to the government are also not banned. Law proposal 546I that includes a mechanism to regulate this interaction has not been discussed since August 2019.

RECOMMENDATIONS

- The government should create a program to ensure policies relating to FCTC Article 5.3 Guidelines.
- Review, discuss, and approve, law proposal 5461, *Law for tobacco control and its products*, which regulates the interactions between the tobacco industry and government as well as other tobacco control activities to protect public health from the vested interests of the tobacco industry and ensure compliance to the FCTC.
- Ensure that the tobacco industry has no involvement in drafting or editing law proposal 5461 in Congress.
- Establish a code of conduct (written and enforced) that addresses the standards by which public officials must comply when dealing with the tobacco industry.
- Expose and ban tobacco industry CSR. Disclosure of their activities should be accessible and made available to the public.
- Prohibit all types of contributions from the tobacco industry to political parties or candidates to public office (including local authorities).
- Prohibit all types of assistance from the tobacco industry to any government agency, especially when drafting tobacco control laws or enforcement.
- Regulate and include emerging products, such as e-cigarettes and HTPs, through updated tobacco control law
- Prohibit all forms of tobacco advertisement, specially at the point of sale, including HTPs and e-cigarettes.
- Increase tobacco taxation to at least 75% of the retail price as recommended by the WHO FCTC.

Guatemala

Tobacco Industry Interference Index 2023

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests in setting or implementing public health policies in relation to tobacco control (Rec 3.4)						5
<ul style="list-style-type: none"> There is no evidence that Guatemala's government actively endorses or accepts any kind of assistance from the tobacco industry in setting public health policies. However, in 2,018 the law proposal 5461 "Ley del Control de Tabaco y sus Productos" (Law for tobacco control and its products for its translation to English) was presented to the congress and assigned to the Health Commission. This Law includes regulation of unnecessary forms of interaction between the industry and government, graphic warning labels and advertising, promotion, and sponsorship restrictions. There is substantial evidence that the tobacco industry actively participated when drafting the proposal 5461. The law has been stalled in Congress for more than three years and no updates have occurred since August of 2,019.¹ 						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)	0					
<ul style="list-style-type: none"> There is no record that deputies from the congressional Health Commission discussed any tobacco or tobacco related products proposals in their monthly meetings. Also, according to the Congress minutes, there is no record that representatives from the industry participated in any health commissions' meetings. There is no evidence that Guatemala's government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry in the period from April 2021 to April 2023. 						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) Never 5 Yes						5
<ul style="list-style-type: none"> FUNDESA, a non-profit private organization think tank, is a conglomerate of businesses that aims to generate and implement programs and projects to promote economic and social development in Guatemala.² According to their website, Tabacalera Centroamericana S.A (TACASA) is one its donors.³ FUNDESA's Health Commission has been invited by the 						

¹ elPeriódico, Entrampan dictamen de ley de Control del Tabaco y sus productos, August 6, 2019, <https://elperiodico.com.gt/nacionales/2019/08/06/entrampan-dictamen-de-ley-de-control-del-tabaco-y-sus-productos/>

² Fundación para el Desarrollo de Guatemala. ¿Quiénes somos? <https://www.fundesa.org.gt/conozcanos/quienes-somos>

³ Fundación para el Desarrollo de Guatemala. Empresas donantes. <https://www.fundesa.org.gt/conozcanos/empresas-donantes>

	0	1	2	3	4	5
congressional Health Commission as part of the organizations that provide technical advice regarding public health matters such as paediatric vaccination (Decreet 6-2022). ^{4,5}						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'		1				
<ul style="list-style-type: none"> We found no evidence that the government nominates tobacco industry representatives for the delegation to the COP. We found no evidence that country representatives to the COP had any affiliation to the tobacco industry.⁶ 						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as “socially responsible” or “sustainable”. For example, environmental programs. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4) <i>NOTE: exclude enforcement activities as this is covered in another question</i>						5
<ul style="list-style-type: none"> In March 2022, TACASA co-sponsored the II Congress for Circular Economy and Biodiversity as part of their CSR activities on climate change. One of the congress' main objectives was to share success stories, methodologies and tools related to green practices in the private sector.⁷ In May 2021, Phillip Morris' s HTP, IQOS, presented their new project to support climate change. The project encourages customers to bring their used HEETS so that they may be recycled through a company named ECOTERMO. This company manages waste from different industries around the country.⁸⁻⁹ From 2004 to June 2021, TACASA has been collaborating with PROverde to turn non-recyclable waste to sustainable energy. PROverde, a Cementos Progreso (Progreso 						

⁴ Fundación para el Desarrollo de Guatemala. Memoria de Labores 2021-2022. “Recuperando la Vacunación Infantil en Todo el Ciclo de la Vida” [https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_\(3\).pdf](https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_(3).pdf)

⁵ Congreso de la República. Congreso Aprueba Dos Nuevos Decretos en materia de Seguridad y Salud Preventiva https://www.congreso.gob.gt/noticias_congreso/7815/2022/4#gsc.tab=0

⁶ Sharm el-Sheikh, Egypt. Climate Change Conference. November 2022. List of participants. <https://unfccc.int/documents/624508>

⁷ Revista Tendencias. CIG y El CGP+L Realizan el II congreso de economía circular y biodiversidad. 26/03/2023. https://www.revistatendenciasguatemala.com/2023/03/cig-y-el-cgpl-realizan-el-ii-congreso.html?fbclid=IwAR0sVVVlKOD4TK7oqhaVf9nPkT7UQjflvcft0m4-KqRe_MvaLUE5oukoNQ8

⁸ Concentrarse. Proyecto RECICLA HEETS. <https://centrarse.org/proyecto-heets/>
CRN Noticias. Estrategia “Recicla HEETS” busca la reducción del daño en el medio ambiente. May 6th, 2021 <https://crnnoticias.com/estrategia-recicla-heets-busca-la-reduccion-del-dano-en-el-medio-ambiente/>

⁹Revista Industria&Negocios. Recicla HEETS: sostenibilidad, un pilar estratégico del negocio de TACASA. December, 2021 <https://revistaindustria.com/2021/12/philip-morris-international/>

	0	1	2	3	4	5
<p>Cement) company, specializes in waste management and disposal through co-processing technology.¹⁰</p> <ul style="list-style-type: none"> • CSR contributions made by the tobacco industry in Guatemala are mainly through front groups. In two cases, open contributions were made to government agencies. FUNDESA, a non-profit private organization, is a conglomerate of businesses that aims to generate and implement programs and projects to promote economic and social development in Guatemala. Since the first case of COVID-19, FUNDESA made several donations to the government, including diagnostic tests, medical equipment, and supplies. Between April and September of 2021, FUNDESA designed, launched and implemented a public-private alliance for the opening of COVID-19 vaccination centers in shopping malls across the country.¹¹ Likewise, through direct efforts made by FUNDESA with the Minister of Public Health and Social Assistance, the health area of southern State of Escuintla received double the budget it had allocated to advance in the COVID-19 vaccination.¹¹ • FUNDESA’s Health Commission agenda also includes the dissemination of health-related data. The creation of “Vacunómetro” (Vaccinometer), a dashboard to transmit data on the progress of COVID-19 vaccination. The Commission has also established a technical relationship with the Ministry of Public Health and Social Assistance that aims to train the purchase and warehouse teams in order to improve the purchasing processes of medical supplies related to vaccination.¹² 						
INDICATOR 3: Benefits to the Tobacco Industry						
<p>6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p> <ul style="list-style-type: none"> • No evidence was found that the government accommodated additional requests from the tobacco industry for any tobacco control law. Law proposal 5461 has not been discussed since the last interference index report 2021. 				3		
<p>7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)</p> <ul style="list-style-type: none"> • In 2021, the tobacco industry, like other industries, were allowed by the central government to take more time to declare taxes.¹³ Also, in 2022 the Superintendency of Tax Administration (SAT) declared that the Guatemalan State lost around 23 million quetzales (2.9 million USD) on cigarette income taxes¹⁴⁻¹⁵ because of three main reasons: 					4	

¹⁰ Revista Granito de Arena. TACASA y PROverde encuentran en el co-procesamiento una solución para el manejo integral de residuos. July 16th, 2021. <https://www.revistagranitodearena.com/tacasa-y-proverde-encuentran-en-el-co-procesamiento-una-solucion/>

¹¹ Fundación para el Desarrollo de Guatemala. Memoria de Labores 2021-2022. “Pandemia COVID-19” [https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_\(3\).pdf](https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_(3).pdf)

¹² Fundación para el Desarrollo de Guatemala. Memoria de Labores 2021-2022. “Vacunómetro y Asistencia Técnica al Ministerio de Salud para Planificación de Compras y Gestión de Inventario de Medicamentos en Hospitales Públicos” [https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_\(3\).pdf](https://www.fundesa.org.gt/content/files/conozcanos/FUNDESA-Memoria_de_Labores_2021-2022_(3).pdf)

¹³ LaHora. SAT extiende plazo para el pago de algunos impuestos por Semana Santa. March 26th, 2021. <https://lahora.gt/nacionales/mgarcia/2021/03/26/sat-extiende-plazo-para-el-pago-de-algunos-impuestos-por-semana-santa/>

¹⁴ República. Cigarrillos en Guatemala: ¿Por qué la SAT recibe menos impuestos de lo previsto? July 4th, 2022. <https://republica.gt/finanzas/cigarrillos-en-guatemala-por-que-la-sat-recibe-menos-impuestos-de-lo-previsto--20227417430>

¹⁵ NewsInAmerica. SAT pierde aproximadamente Q23.5 millones mensuales en impuestos del cigarrillo. July 2nd, 2022 <https://newsinamerica.com/pdcc/economia/2022/sat-pierde-aproximadamente-q23-5-millones-mensuales-en-impuestos-delcigarrillo/#:~:text=La%20Superintendencia%20de%20Administraci%C3%B3n%20Tributaria,fiscal%20por%20cigarrillos%20en%20Guatemala>

	0	1	2	3	4	5
<ul style="list-style-type: none"> - Selling price reported to the government institutions (for example SAT) does not match the real selling price. - Cigarettes that enter the country are greater than the cigarettes taxed by the SAT. - The tax authority is not calculating the tax in a proper way. - International travellers can bring in 500 gms of tobacco in any form. 						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						5
<ul style="list-style-type: none"> • On the 9th of September 2022, TACASA co-sponsored the 17th Industrial Congress for the Acceleration and Recovery of the Economy which was organized by the Guatemalan Government through the Ministry of Economy and the front group Chamber of Commerce of Guatemala.¹⁶ More than 50 international and national speakers specialized in 35 themes were invited to the congress. The event was organized in nine modules including logistics, infrastructure, technology and networking. The Minister of Economy at the time of the event, Dr. Janio Rosales, attended to emphasize the importance of the industrial sector to the Guatemalan economy. Lastly, the President of Guatemala, Dr. Alejandro Giammattei, also participated in the event and spoke about the importance of the public-private partnerships.¹⁷ • The “Mesa de Competitividad” (Competitive Table) de Alta Verapaz (a northern State in Guatemala) which is a platform of FUNDESA a think tank partly funded by TACASA, aims to promote economic development in the northern region of the country. The “Mesa” project was mentioned in the 2021 tobacco interference index report and is still active. According to a newspaper article, this project has worked closely with the Ministry of Economy to prioritize actions related to road infrastructure, education and healthcare in the area. In February 2020, the Minister of Economy, Antonio Malouf, was part of the first-year meeting of MancoVerapaz organized by FUNDESA. Mr. Malouf discussed the importance of investment in the northern area of the country. He mentioned that some of the important strategic lines to foster competitiveness in the region were rural electrification, education, and healthcare, to increase the link between rural and urban economies.^{18, 19, 20} 						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)	0					

¹⁶Facebook. Cámara de la Industria de Guatemala. XVII Congreso Industrial. 08/09/2022.

<https://www.facebook.com/industriaguatemala/photos/a.169398919741285/6128879863793131/?type=3>

¹⁷ Oficina Económica y Comercial de la Embajada de España en Guatemala. XVII Congreso Industrial: De la reactivación a la aceleración económica. September, 2022

<https://www.icex.es/content/dam/es/icex/oficinas/048/documentos/2022/09/documentos-anexos/DOC2022914827.pdf>

¹⁸Fundesa. Mesa de competitividad de Alta Verapaz.

<https://www.fundesa.org.gt/comisiones/economica/mesas-de-competitividad/mesa-de-competitividad-de-alta-verapaz>

¹⁹Fundación para el Desarrollo de Guatemala. Diagnóstico y plan de acción para el desarrollo económico territorial de la región de MancoVerapaz. February 2019,

http://fundesa.org.gt/content/files/publicaciones/PPT_MODALIDAD_Entrega_Consejo_Competitividad_080219.pdf

²⁰Prensa Libre. Por qué Alta Verapaz recibió US\$ 90 millones en inversión en 3 años. February 3, 2020.

<https://www.prensalibre.com/economia/en-3-anos-alta-verapaz-recibio-us90-millones-en-inversion-y-por-que-podria-crecer-el-desarrollo-economico/>

	0	1	2	3	4	5
<ul style="list-style-type: none"> There was no evidence found that the tobacco industry offered assistance to authorities to conduct raids on tobacco smuggling. However, two of the main newspapers released articles related to the seizure of illegal cigarettes.²¹ There is evidence that Phillip Morris is promoting Guatemala as a smoke free environment²², but there is no evidence that the State or other tobacco control advocates are involved in this marketing strategy.^{23, 24} 						
<p>10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</p>	0					
<ul style="list-style-type: none"> No evidence was found of the government endorsing or supporting other activities to further the interests of the tobacco industry, such as capacity building or partnerships of other nature. 						
INDICATOR 5: Transparency						
<p>11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)</p>						5
<ul style="list-style-type: none"> The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. There is no evidence regarding meetings with the industry. 						
<p>12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)</p>						5
<ul style="list-style-type: none"> In Guatemala there is no current law or code of conduct that mandates the identification or disclosure of any tobacco industry collaboration or communication. Law proposal 5461 addresses disclosure in Article 35. However, this proposal has not been discussed in the Congress since August 2019.²⁵ 						

²¹ elPeriodico. Incautan más de 3 millones de cigarrillos ilegales. November, 2022 <https://elperiodico.com.gt/sociedad/local/2022/11/01/incautan-mas-de-3-millones-de-cigarrillos-ilegales/>

²² Phillip Morris International. Hablemos de #Guatesinhu. May 2023. <https://www.pmi.com/campaigns/guatesinhu>

²³ Con Criterio. Phillip Morris International presenta datos sobre las alternativas libres de humo en Guatemala. June, 2022 <https://concrerio.gt/philip-morris-international-presenta-datos-sobre-las-alternativas-libres-de-humo-en-guatemala/>

²⁴ Centrarse Guatemala. Phillip Morris International celebra 3er aniversario de IQOS en Guatemala con respaldo científico tecnología e inversión para un futuro libre de humo. April, 2023 <https://centrarse.org/noticias/philip-morris-international-celebra-el-3er-aniversario-de-iqos-en-guatemala-con-respaldo-cientifico-tecnologia-e-inversion-para-un-futuro-libre-de-humo/>

²⁵ Congreso de la República de Guatemala. Detalle de la iniciativa 5461. June 05, 2018. https://www.congreso.gob.gt/detalle_pdf/iniciativas/5486#gsc.tab=0

	0	1	2	3	4	5
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5
<ul style="list-style-type: none"> In Guatemala, there is no regulation that prohibits contributions from the tobacco industry to political parties, candidates, or campaigns. Law proposal 5461 includes prohibitions of this sort in article 34. However, this proposal has not been discussed in Congress since August 2019. 						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
<ul style="list-style-type: none"> No evidence was found of any retired senior government official holding a position in the tobacco industry. 						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
<ul style="list-style-type: none"> No evidence was found of current government officials or relatives that hold positions in the tobacco industry. 						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
<ul style="list-style-type: none"> There is no evidence that the government has put in place a procedure for disclosing the records of the interaction with the tobacco industry and its representatives. Law proposal 5461 includes rules addressing the interaction between government and the tobacco industry. However, this proposal has not been discussed in the Congress since August 2019. 						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); / for whole of government code; 2 for Yes but partial if only MOH						5
<ul style="list-style-type: none"> There is no current code of conduct that addresses interaction between public officials when dealing with the tobacco industry. 						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)						5
<ul style="list-style-type: none"> Currently the government does not require the tobacco industry to submit periodically any type of report on tobacco production or sales. However, this information can be compiled in public domain registries of tax revenues in the SAT.^{26, 27} 						

²⁶ Principales impuestos en Guatemala. Superintendencia Administración Tributaria. Available online: <https://portal.sat.gob.gt/portal/preguntas-frecuentes/principales-impuestos-guatemala/> Accessed on: April 20, 2023

²⁷ Estadísticas tributarias SAT. Superintendencia Administración Tributaria. Available online: <https://portal.sat.gob.gt/portal/estadisticas-tributarias-sat/#1506903647072-b0b5ebcd-fec4> Accessed on: April 20, 2023

	0	1	2	3	4	5
<ul style="list-style-type: none"> Article 36 in law proposal 546I requires tobacco industries to periodically present reports. However, law proposal 546I has not been discussed since August 2019. 						
19. 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)					4	
<ul style="list-style-type: none"> There is no evidence that Guatemala has a consistent program or plan to raise awareness within its departments on FCTC policies. There is evidence that an expert, Dr. Eduardo Palacios, President of the Ministry of Health “national Commission for the Prevention of Chronic Diseases and Cancer, raised the concern about a national campaign against tobacco in August 2021 during a meeting at the Congress’ Health Commission. and a deputy raised awareness on the importance of a national campaign against tobacco at two meetings in the Congress’ health commission.²⁸ There is evidence that the deputy Armando Damian Castillo Alvarado raised the importance of a National Awareness Campaign Against Tobacco in the context of the National Vaccination Plan for COVID-19 in March 2021.²⁹ There is evidence that a unit within the Ministry of Health verified: the size of advertising, the percentage of health warnings within the advertising and the characteristics such as font type, font size and font color of the health warnings at the point-of-sale in shopping malls of Guatemala City³⁰ 						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)						5
<ul style="list-style-type: none"> There is no current policy that disallows the government from accepting any type of contribution from the tobacco industry. Law proposal 546I from 2018 includes prohibitions of this sort in article 33. However, this proposal has not been discussed in the Congress since August 2019. 						
TOTAL SCORE						67

²⁸Comisión de salud y asistencia social. Congreso de la República de Guatemala. Actas No. 03-2021 and No.15-2021. <https://www.congreso.gob.gt/assets/uploads/comisiones/actas/3c338-acta15.pdf>

<https://www.congreso.gob.gt/assets/uploads/comisiones/actas/d17e2-acta-03-2021.pdf>

²⁹ SECCATID: CAMPAÑA NACIONAL CONTRA LA ADICCIÓN AL TABACO EN EL MARCO DEL COVID-19. 12/08/2020. <https://vicepresidencia.gob.gt/noticias/Mie-12082020-1237/SECCATID-CAMPANA-NACIONAL-CONTRA-LA-ADICCION-AL-TABACO-EN-EL-MARCO-DEL>

³⁰Sala de prensa.Verifican publicidad en los productos derivados del tabaco en Centros Comerciales. 20/01/2023. <https://prensa.gob.gt/comunicado/verifican-publicidad-en-los-productos-derivados-del-tabaco-en-centros-comerciales>

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	TACASA, Tabacalera Centroamericana S. A. Philip Morris International			https://www.pmi.com/markets/guatemala/es
2	British American Tobacco Centro América			https://www.batcentralamerica.com/group/

	TOP MEDIA/ NEWSPAPERS	URL
1	Prensa Libre	https://www.prensalibre.com/
2	La Hora	https://lahora.gt/
3	Diario de Centro América	https://dca.gob.gt/noticias-guatemala-diario-centro-america/
4	Nuestro Diario	https://www.nuestrodiario.com/
5	Plaza Pública	https://www.plazapublica.com

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	FUNDESA		https://www.fundesa.org.gt/
2	Chamber of commerce of Guatemala		https://www.ccg.com.gt/web-ccg/
3	Chamber of industry of Guatemala		https://cig.industriaguatemala.com/
4	Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations		https://cacif.org.gt