Venezuela

TOBACCO INDUSTRY INTERFERENCE INDEX 2023

Author:

Asociación Civil Tabaco o Salud Venezuela (ACITASVE)

Acknowledgements:

To all ACITASVE members

To Jon Quevedo (photographer)

To Abraham Tovar (media coordinator)

To Miguel Gonzáles (designer)

To Andrea Rangel (researcher)

To Rossana Ordoñez (researcher)

Background and Introduction

The purpose of this Interference Index of the Tobacco Industry of the Bolivarian Republic of Venezuela 2023 is to show how the Venezuelan State has worked to protect policies from the meddling of Big Tobacco in the years 2022 and 2023.

Venezuela has always stood out for having excellent legislation on the matter. The best source for the legislation, among others, are the following:

- -Constitution of the Bolivarian Republic of Venezuela
- -Organic Health Law
- -Organic Drug Law
- -Organic Customs Law
- WHO Framework Convention on Tobacco Control
- -Resolution No. 109 whose purpose is to establish the control guidelines that must be met by companies that process or market cigarettes and other products derived from tobacco. This includes both, national and imported products.
- -Resolution No. 004. Through this resolution, cigarette packaging and the cigarettes packs are regulated, in the terms indicated therein.
- -Organic Regulation of the Ministry of Popular Power for Health.
- -Resolution No. 071 establishes the guidelines for the total prohibition of advertising, promotion, sponsorship and regulation of the sale of tobacco products in the national territory.

It is important to highlight that in this period 2021, 2023 the Law Approving the Protocol for the Elimination of Illicit Trade in Tobacco Products is sanctioned.

Despite the current legal framework in Venezuela, there are weaknesses and/or shortcomings in the inspection processes to verify compliance with the regulations on the matter.

It is the second time that our country has participated in the Tobacco Industry Interference Index. The first was in 2021 and now, recently prepared and published (2023), in which an increase in the score is evident: we have obtained 60 points out of 100 (the higher the score, the greater the interference)

According to the results, we can observe that Venezuela maintains an excellent legal base that regulates the matter, approved from the last index to date. The Approving Law of the Ratification of the Protocol for the Elimination of the Illicit Trade of Tobacco Products. However, we see a lot of weakness in the inspection to verify compliance with these regulations.

Additionally, with this Report, we see greater activity in the industry now, specifically with two indicators. A higher Level of participation in policy development (before was 11 points and 12 now) and, a greater Interaction is needed between government and the industry (before was 5 points and now is 6).

Regarding the prevalence in the consumption of tobacco products in Venezuela, the last figure is derived from the National Survey of Drug Consumption, 2005, 2011 (over 15 years of age) which yields the following result: Men 21.5, Women 12.7, Overall 17.1

Regarding the level of participation of the tobacco industry in the development of tobacco control policies, Venezuela obtained 12 points. Even in the country there is no regulation that prohibits the participation of this industry in the discussion of public health policies related to tobacco control.

In relation to the activities of Corporate Social Responsibility related to tobacco, we see something very striking, and this should be reviewed as a priority. It is regarding the mention in some pages and official media as, The Ministry of Popular Power for Information and Communication, Gobernación de Miranda and Venezolana de Televisión the participation of a foundation in activities planned by the State and disclosed on its web pages. This foundation is associated with one of the largest industries in the nation, and has de same name.

Regarding the benefits received by the tobacco industry, the report indicates that in two years there were tax incentives, tax concessions or trade agreements, obtaining 5 out of 10 points.

In addition to the above, there is a lack of transparency in the interaction of the State with the tobacco industry. In this category, the country obtained the highest score, indicating that Venezuela should aim for regulations that regulate meetings with the tobacco industry. In Venezuela there is a total prohibition of any form of sponsorship by the tobacco industry in the article 3 of the Resolution No. 071 of the Ministry of Popular Power for Health. This article establishes the guidelines for the total prohibition of advertising, promotion and sponsorship and regulation of the sale of tobacco products in the national territory of the Bolivarian Republic of Venezuela. In this sense, it obtains 1 point out of a total of 15 points as there is no evidence of non-compliance with this legal precept.

Concerning the recommendations, we believe that the requested audience by the tobacco industry to the government entities should be regulated. Thus, should be well indicated the reason, date and minutes of the visit. We believe that in this way there could be self-regulation for the behavior of the officials and less interaction. This recommendation was derived from the 2021 Report.

In preparing this Report, we have used a questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA). This questionnaire is based on indicators based on the Guidelines for the Implementation of Article 5(3) of the WHO Framework Convention on Tobacco Control on the protection of public health policies relating to tobacco control against commercial interests and other interests of the tobacco industry.

The information used in this report is obtained only from the public domain. A scoring system is applied to carry out the evaluation. The score ranges from 0 to 5. Where 5 indicates the highest level of interference in the industry and I being little or no interference. Therefore, the lower the score, the better for the country. The report includes information on incidents from April 2021 to March 2023, but also includes incidents prior to March 2021 that are still relevant today.

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Venezuela obtained II points, it is an important number, even in the country there is no regulation that prohibits the participation of this industry in the discussion of public health policies related to tobacco control.

2 INDUSTRY CSR ACTIVITIES

The score obtained by Venezuela is three (3) every time the Bigott Foundation is mentioned in official pages, which is associated with the most important cigarette company in the country, and which also uses the same name (Bigott). Thus, examples are cited such as the pages of the Ministry of Popular Power for Communication and Information and the government of Miranda. In turn, there is a publication of a home corresponding to the Avelino Molina Foundation and the participation of chimó companies in sporting events.

3 BENEFITS TO THE INDUSTRY

There is no available evidence of requests by the tobacco industry to the government in relation to the implementation of the laws. At the same time, it is important to point out that in many press releases the legal consultant of the Bigott cigarette company is noted, noting that the National Integrated Customs and Tax Administration Service (SENIAT) authorized him to lower the price of a cigarette to counteract the smuggling effects.

4 UNNECESSARY INTERACTION

It is important to mention that, in one of the questions, Venezuela has five (5) since the Ministry of Popular Power for Tourism developed a tourist route, whose eighth tourist point is a rum, coffee, chocolate and tobacco, which although it does not mention a specific brand of any tobacco product, appears to be advertising that could eventually encourage the consumption of these products. In relation to questions 9 and 10, the country's score is low, as there is no evidence that the assumptions indicated in them occur.

5 TRANSPARENCY

It is noted that there are no publications of government interaction meetings with the tobacco industry.

The government does not require rules for tobacco disclosure or registration by industry entities, affiliated organizations, and persons acting on their behalf. Including pressure groups.

6 CONFLICT OF INTEREST

In conflict of interest in article 3 of resolution 071 of the Ministry of Popular Power for Health, which establishes the guidelines for the total prohibition of advertising, promotion, sponsorship and regulation of the sale of tobacco products in the national territory of the Republic Bolivarian Republic of Venezuela, there is no evidence of non-compliance with this rule.

No information has been found about senior retired government officials who are part of the tobacco industry, nor was any evidence found that current government officials, and family members, hold positions in the tobacco business.

7 PREVENTIVE MEASURES

No procedure for recording government interaction with the tobacco industry has been found.

Neither has information been found on whether the government has formulated, adopted or implemented a code of conduct for public officials, describing the standards they must comply with in their relations.

In Venezuela, Resolution No. 109 is in force, by means of which the Regulation and control of cigarettes and other products derived from tobacco intended for human consumption is established, which establishes that any marketing company, national manufacturer, importer or exporter of cigarettes or products derived from tobacco, smoke-producing or not, must submit to the General Directorate of Environmental Health and Sanitary Comptroller, the application for Business Registration, consigning for this the Registry of incorporation of the same, duly certified by the corresponding authority for its confrontation, with expression of the name of the company, the domicile and address clearly specified and the legal representative of the same, as well as the RIF and the NIT.

The government has an intergovernmental commission for tobacco control, which is not of a formal nature and has stopped meeting. The government has no plan to constantly raise awareness about article 5.3

Recommendations

In Venezuela, we must strengthen the implementation of article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), since the interaction and participation of the tobacco industry with government institutions is allowed. It is particularly worrisome to see government pages mention the industry in tourist or cultural activities.

RECOMMENDATION I

Develop a Code of Conduct for officials of all powers, including clear and binding guidelines; thus restricting interactions between public officials.

RECOMMENDATION 2

Strengthen the vigilance of current regulations in all areas, including in Social Networks, applying sanctions in case of non-compliance.

RECOMMENDATION 3

The hearings must be motivated and justified, and minutes of these must be drawn up with access to the interested public.

República Bolivariana de Venezuela

Tobacco Industry Interference Index 2023 Results and Findings

	0	1	2	3	4	5	
INDICATOR I: Level of Industry Participation in Policy-Deve	lopi	mer	nt		ı		
 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) 				3			
In Venezuela, there is no regulation that prohibits the participation of tobacco control policies, we have no evidence of their involvement.	the t	:oba	cco	indus	try in		
The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)				3			
Although article 211 of the Constitution of the Bolivarian Republic of Venezuela allows citizens and organized society to give their opinion on the Bills. no evidence of participation of the tobacco industry was found in the public domain regarding this matter.							
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) I Never 5 Yes						5	
Venezuela does not have an express norm that prohibits the participation of representatives of the tobacco industry in Committees or Working Groups. In addition to this, we find that the representative of the Cigarrera Bigott company told different media that he has met on different occasions with the government. (Annex A)							
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					
non-Parties, apply a score of '0' El gobierno no designa ni permite representantes de la industria tabacalera en la COP y otras reuniones relacionadas. In this regard, we have no evidence of participation of representatives of the tobacco industry in							

the Conference of the Parties to the WHO Framework Convention on Tobacco Control (FCTC)

Mr. J. Colmenares Corona, Director of Multilateral Relations, Office of Integration and

ninth meeting (COP9) held from November 8 to 13, 2021.²

International Affairs, Ministry of Popular Power for Health

Chief Delegate (Head of delegation)

I Anexo A

2

Deputy Chief Delegate (Accredited representative)

Ms. P. Lozano, Coordinator of the National Anti-Tobacco Program attached to the General Directorate of Health Programs, Ministry of Popular Power for Health

Delegate (Accredited representative)

Mr. H. Constant Rosales, Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations in Geneva. Switzerland

Mr. E. Montesinos, Coordinator (E) of Tobacco, Autonomous Health Comptroller Service, Ministry of Popular Power for Health

Ms. M. Alvarado, Coordinator of Multilateral Organizations, Office of Integration and International Affairs, Ministry of Popular Power for Health

Ms. G. Campos De Mazzone, Counselor, Permanent Mission of Venezuela to United Nations in Geneva, Switzerland.

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)
NOTE: exclude enforcement activities as this is covered in another

The Bigott Foundation, is sponsored by BAT,³ and its activities are promoted on the website of the Ministry of Popular Power for Communication and Information (MINCI) ⁴(Annex B).

The Government of Miranda of Venezuela carried out a "Mirandina Identity Cultural Route "in which the Bigott Foundation participated. 5(Annex C)

The Avelino Molina Foundation (Chimó El Tigrito) maintains a Home for the elderly ⁶(Annex D) Participation of the company Chimó El Tigrito in an exhibition at a sporting event ⁷(Annex E)

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)

question

5 Anexo C

³ Bigott Foundation. Headquarters of the Bigott Foundation, a place for cultural heritage. Available at: https://iamvenezuela.com/2017/11/fundacion-bigott/

⁴ Anexo B

⁶ Anexo D

⁷ Anexo E

	0		2	3	4	5	
There is no available evidence of requests by the tobacco industries to the government to delay the implementation of laws. On July 22, 2022, the Law Approving the Protocol for the Elimination of Illicit Trade in Tobacco Products was approved (with a 90-day vacactio legis), but we have no evidence that said period							
was requested by the industry 8(Annex VI)							
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)						5	
We do not have the Administrative Act through which a benefit is granted to the Venezuelan company Cigarrera Bigott C.A. In various statements by the legal consultant, he points out that National Tax Authority (SENIAT) authorized them to lower the price of the Belmont brand due to the boom in the contraband market (9:10:11:12) (Annex A) The government allows international travellers to duty-free import 25 cigars and 200 cigarettes into the country.							
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	
The Ministry of Popular Power for Tourism certifies a tourist route, whose eighth tourist point is a rum, coffee, chocolate and tobacco shop with an exhibition and sale of the best products from Miranda state and other regions of the country (13:14:15)							
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						
There are no available information in the public domain showing that the government accepted assistance/ offers from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors.							
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 not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.		ı					

⁸ Anexo F

⁹ Anexo G

¹⁰ Anexo A ¹¹ Anexo H

¹² Anexo I

¹³ Anexo J 14 Anexo K 15 Anexo L

	0		2	3	4	5
We have no evidence that can affirm that it does occur. There are no available information in the public domain showing that the government accepted, supported, endorsed, or entered into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests						
INDICATOR 5: Transparency						ı
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)						5
There are no publications of government interaction meetings with the	tob	oacc	o in	dustry	'.	
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)						5
The government does not require rules for disclosure or registration of affiliated organizations, and people acting on their behalf, including lobb			co ir	ndustr	y entit	ies,
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) <i>I Never 5</i> Yes		I				
There is a total prohibition of any form of sponsorship by the tobacco industry in article 3 of Resolution No. 071 of the Ministry of Popular Power for Health. This article establishes the guidelines for the total prohibition of advertising, promotion and sponsorship and regulation of the sale of tobacco products in the national territory of the Bolivarian Republic of Venezuela. In this sense, there is no evidence of breaching this precept. 16						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
We have not found information about retired senior government officials who are part of the tobacco industry.						
 Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10) 	0					
We found no evidence that current government officials and family me Tobacco business.	mbe	ers h	old	positi	ons in	the
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

¹⁶ Gaceta Oficial N° 41.684 de fecha 31 de julio de 2019

	0		2	3	4	5	
The government does not have a procedure for recording the government's interaction with the industry (such as the agenda, attendees, minutes, and results) with the tobacco industry and its representatives.							
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); I for whole of government code; 2 for Yes but partial if only MOH						5	
The government has not formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they must adhere to in their relations with the tobacco industry.							
18. The government requires the tobacco industry to periodically subminformation on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activitie (5.2)				3	3		
5. Monthly sale price to the consumer.6. Monthly expense for promotion and publicity of the product by State	e.						
 The government has a program / system/ plan to consistently¹⁷ rais awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2) 	e					5	

The government has an intergovernmental commission for tobacco control, which is not of a formal nature and has stopped meeting. The government has no plan to constantly raise awareness about WHO FCTC Article 5.3.

		2	3	4	5
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,					5
or study visit invitations given or offered to the government, its					
agencies, officials and their relatives. (3.4)					

The government has not established a policy to refuse the acceptance of any form of tobacco industry contribution or gift (monetary or otherwise), including offers of assistance, invoices or policies, invitations to academic activities offered to central government, its units, officials or their families.

TOTAL SCORE

60

Annex A: Sources of Information

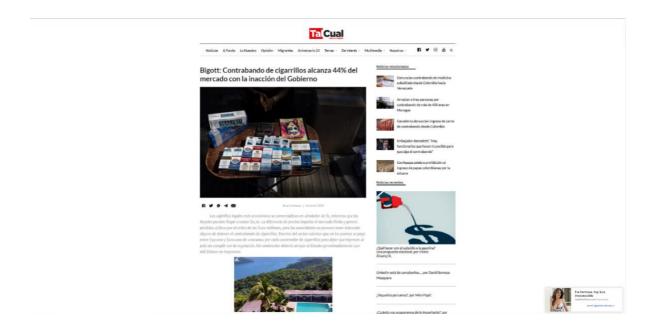
	TOP 5 LOCAL TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
I	Cigarrera Bigott, C.A. (British American Tobacco)		Belmont Pall Mall Lucky Strike Viceroy Universal	https://www.bigott.com.ve/group/s ites/BAT_9T2E9S.nsf/vwPagesWeb Live/DO9T2ESD
2	C. A. Tabacalera Nacional (Phillip Morris Internacional)		Astor Marlsboro Derby	https://telefonovenezuela.com/taba calera-nacional-catana-telefonos- venezuela/
3	El Tigrito			https://chimoeltigrito.com/product os/
4	Chimó La Barinesa			https://www.instagram.com/chimolabarinesa_/?hl=es
5	La Casa del Habano		Cohiba Montecristo Romeo y Julieta Partagás Hoyo de Monterrey	https://www.habanos.com/es/tag/v enezuela-es/

	TOP 5 TRANSNATIONAL TOBACCO COMPANIES/ DISTRIBUTORS	SEATCA REPORT (Y IF SEATCA REPORT CONTAINS INFORMATION ON THIS, N IF NOT)	SOURCE (OTHER THAN SEATCA REPORT)
I	British American Tobaco		
2	Phillip Morris		
	Internacional		

	TOP MEDIA/ NEWSPAPERS	URL
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Fundación Bigott	Front Group	
2	Fundación Avelino Molina	Front Group	

ANEXO A







Autor: Tal Cual Digital

Fecha: 5 de octubre de 2022

Link: https://talcualdigital.com/bigott-contrabando-de-cigarrillos-alcanza-44-del-

mercado-con-la-inaccion-del-gobierno/

Anexo B







The header of Bigott Foundation features the BAT logo

Autor: Ministerio del Poder Popular para la Comunicación e Información

Fecha: Sin fecha

Link: http://www.minci.gob.ve/fundacion-bigott-32-anos-de-trabajo-en-defensa-y-difusion-de-lastradiciones-venezolanas/

Anexo C



Los Teques se llenará de alegría con la Ruta Cultural Identidad Mirandina



0 1 9 < 1

Deade las 3 de la simifiera, on la Plaza Balvier de Los Toposa, on desemblarin actividades de pronoción de lactura, foria artos anal, talier de arto cos viviones y la cupación de une giella de diseja en altra des las la tencia de l'approximana. Admisis a delamenta de un tradicional parament de calle a curage de una infanti Di Eudencher y La Balvechora, la cuali partirá desde la Casa Arturo M la Plaza Ballina Los más jórones podrán definitar de un conciona de regigas y el grupo Vocas Muores. Topas:

En la Casa de la Cultura Cacillo Acesta, junto a la Fundación Bigett, se estará proyectando el video manifestaciones dec exposición Romería de los Pastoros de los Topoco, para que los hibitantes conozcan la manifestación cultural religiosa. A partir de las 2 de la tarda: en la Catadral Museuro Sofiona de la Asunción y San Felipe Meri se reolizará la Mas y Rómería de los Postores del Niña Jesús de los Teques, en agradocimiento a las Enverse concreditos per parte del niña Jesús Inacia las pastores.

Prensa Gobernación de Miranda

Autor: Gobernación de Miranda Venezuela

Fecha: 13 agosto 2022

Link: http://www.miranda.gob.ve/index.php/miranda-prepara-primera-ruta-turistica-

patrimonial-de-venezuela/

Anexo D

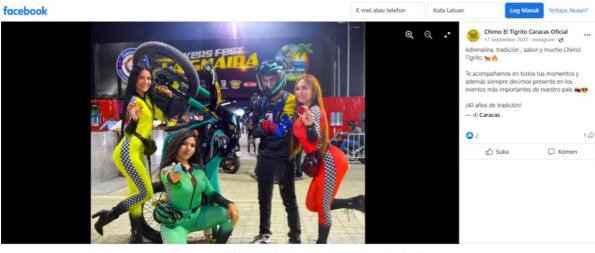


Autor: Chimó El Tigrito

Fecha: Sin fecha

Link: https://chimoeltigrito.com/compromiso/

Anexo E



See more of Chimo El Tigrito Caracas Oficial on Facebook

Log Masuk atau Cipta Akaun Baru

Autor: Facebook Chimó El Tigrito Fecha: 17 de septiembre de 2023

Link: https://www.facebook.com/ChimoeltigritoCaracasOficial/?locale=es_LA

Anexo F

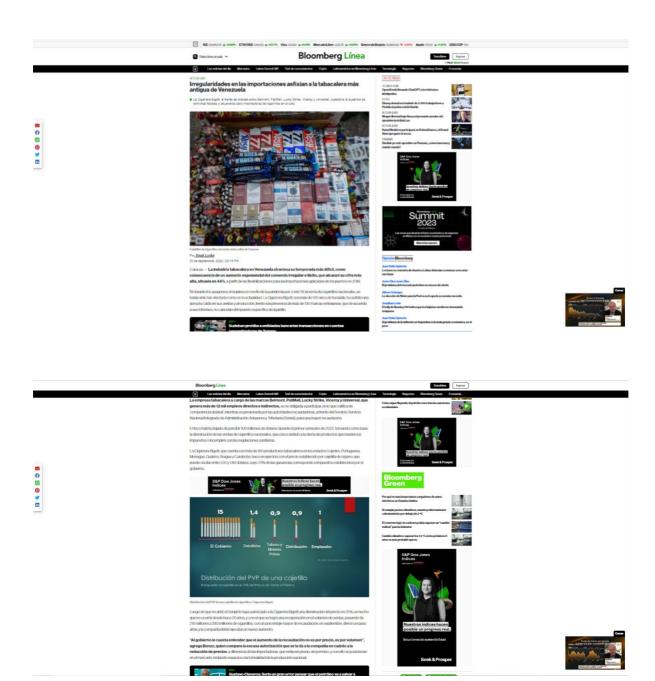


Autor: Asamblea Nacional

Fecha: Sin fecha

Link: https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-aprobatoria-de-la-ratificacion-del-protocolo-para-la-eliminacion-del-comercio-ilicito-de-productos-de-tabaco

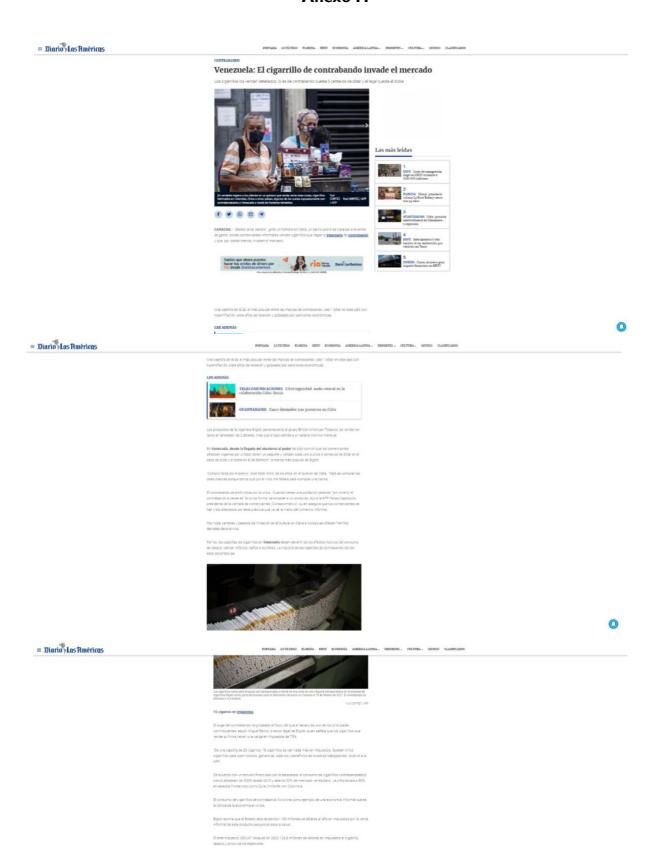
Anexo G



Fuente: Bloomberg Linea Fecha: 22 de septiembre 2022

 $\label{link:https://www.bloomberglinea.com/2022/09/30/irregularidades-en-las-importaciones-asfixian-a-la-tabacalera-mas-antigua-de-venezuela/$

Anexo H







Autor: Diario Las Américas

Fecha: Sin fecha

Link: https://www.diariolasamericas.com/america-latina/venezuela-el-cigarrillo-contrabando-

invade-el-mercado-n4218891

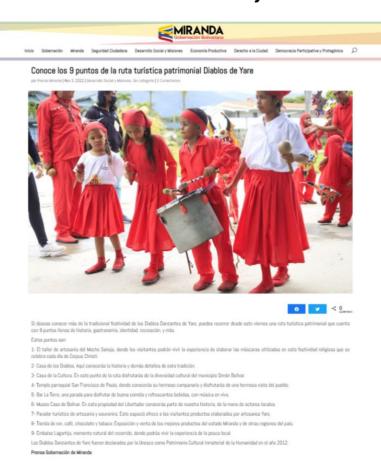
Anexo I



Autor: AFP Español Fecha: Sin fecha

Link: https://www.youtube.com/watch?v=UqxhPkU7HBI

Anexo J

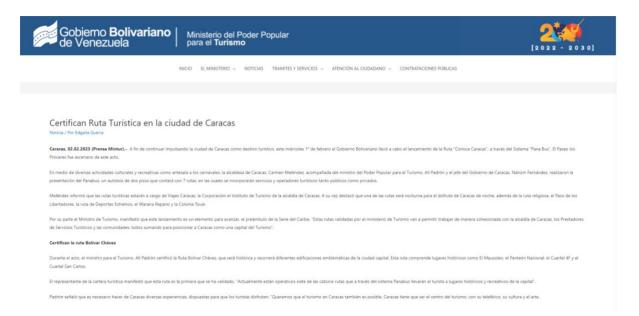


Autor: Gobernación de Miranda Fecha: 3 de noviembre de 2022

Link: http://www.miranda.gob.ve/index.php/conoce-los-9-puntos-de-la-ruta-turistica-

patrimonial-diablos-de-yare/

Anexo K



Autor: Ministerio del Poder Popular del Turismo

Fecha: 8 de febrero 2023

Link: https://www.mintur.gob.ve/2023/02/certifican-ruta-turistica-en-la-ciudad-de-caracas/

Anexo L



Autor: Venezolana de Televisión Fecha: 9 de septiembre de 2022

Link: https://www.vtv.gob.ve/promueven-ruta-turistica-patrimonial-miranda/