

Venezuela



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Venezuela approved a regulation that prohibits the manufacture, storage, distribution, circulation, marketing, import, and export, as well as the use, advertising, promotion, and sponsorship of electronic nicotine delivery systems (ENDS), similar electronic systems without nicotine, consumables, cartridges or pods, refill containers, conventional and herbal heated tobacco products, and analogous products. This regulation was developed without the involvement of actors linked to the tobacco industry (TI), representing a significant step forward in complying with Article 5.3 of the WHO FCTC.

2. Industry CSR Activities

The Bigott Foundation, affiliated with the tobacco company Cigarrera Bigott, C.A., remains active. The foundation engages in social initiatives and cultural programs, some of which raise concerns due to their potential connection to environmental issues such as water pollution. These activities represent an indirect form of interference in public policy and contradict the principles of Article 5.3 of the WHO FCTC.

3. Benefits to the Industry

The Law on Cigarette and Tobacco Manufacturing Tax grants a tax exemption for domestically manufactured tobacco products intended for export, which benefits the TI. However, as of April 2025, the government continues to exclude tobacco products from the 100 USD de minimis

threshold for imports, meaning they are subject to duties regardless of value. Duty free allowances for international travelers remain in place, permitting 200 cigarettes or 25 cigars for personal use.

4. Unnecessary Interaction

Between 2023 and 2025, there was active collaboration between the TI and the Venezuelan government to combat cigarette smuggling. Companies such as Cigarrera Bigott supported official operations and inspections, particularly in areas like Zulia state, where smuggling accounts for up to 92 percent of the local market. Such involvement positions the TI as an ally of the State despite its clear conflict of interest with public health.

5. Transparency

There is no evidence that the government publicly disclosed meetings or interactions with the TI, even when such engagements are necessary for regulatory purposes. The government does not require rules for the disclosure or registration of TI entities, affiliated organizations, or individuals acting on their behalf, including lobbyists.

6. Conflict of Interest

Resolution No. 071 of the Ministry of Health establishes a total ban on any form of sponsorship, advertising, and promotion of tobacco products in Venezuela, with no evidence of violations. No information was found regarding retired senior government officials joining the TI, nor about current officials or their family members holding positions in the tobacco sector.



7. Preventive Measures

The government lacks a formal procedure to record interactions with the TI and has not implemented a code of conduct for public officials regarding such dealings. Resolution No. 109 requires registration and reporting of tobacco related activities, but it does not mandate detailed information on marketing expenditures, corporate social

responsibility (CSR), lobbying, political contributions, or advertising and promotion. The only identified activity is Fundación Bigott, linked to Cigarrera Bigott, with cultural initiatives that may be considered indirect promotion. In addition, the intergovernmental tobacco control commission is informal and has ceased meeting, and there is no plan to systematically raise awareness about Article 5.3 of the WHO FCTC.

RECOMMENDATIONS

1. Develop a comprehensive code of conduct for officials across all branches of government, including binding guidelines to restrict interactions between public officials and the TI.
2. Prohibit cultural events organized by the Bigott Foundation, due to its established ties with Cigarrera Bigott, as these events constitute a form of tobacco promotion and violate Resolution No. 071 of the Ministry of Health as well as Venezuela's commitments under the WHO FCTC.
3. Review and amend Article 4 of the Law on Cigarettes and Tobacco Products (Official Gazette No. 5,852, Extraordinary, October 5, 2007), which grants preferential treatment to tobacco exporters. This exemption undermines public health objectives and contradicts the WHO FCTC; reforms are necessary to ensure alignment with international commitments.
4. Strengthen the surveillance, intelligence, and enforcement capacities of public authorities to effectively combat tobacco smuggling without relying on direct support from the TI.
5. Ensure that hearings by the government are conducted with good governance, with detailed minutes prepared and made accessible to the public to improve transparency and accountability.