

COTE D'IVOIRE

2021

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Introduction

Tobacco use is a major public health problem worldwide. It remains one of the main causes of avoidable mortality worldwide¹. In Côte d'Ivoire, it causes more than 9111 victims per year according to ATLAS TOBACCO 2018². The responsibility of the tobacco industry is not negligible among these victims. 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 country³.

SITAB is the leader and only local manufacturer with about 45% of the market share. To reduce its leeway, the government has introduced a new tax regulation that has been in force since 2015 in the country. Regarding this regulation especially the excise duties, they have increased from 23% in 2014 to 36% in 2018. The evolution of this new tax configuration since 2015 weighs heavily on the results of the only local producer. SITAB saw its net income fall by 4.6 billion in 2017⁴.

However, to resist the tax regulations, the tobacco industry is developing strategies to sell its products in order to increase its profit margins, regardless of the consequences. From this perspective, it opposes all measures likely to reduce tobacco consumption. Thus, the tobacco industry's interference in public policies to fight tobacco use is one of the major obstacles facing public authorities.

In this context, it is not surprising that the World Health Organization launched the Framework Convention on Tobacco Control (FCTC). The latter explicitly includes a provision to protect public policy from such interference, Article 5.3, which states that "In formulating and implementing their public health policies on tobacco control, Parties shall ensure that such policies are not influenced by commercial and other interests of the tobacco industry, in accordance with national legislation.

The Tobacco Industry Interference Index is an assessment of government 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). Information for this report was collected on 20 questions, divided into seven categories, from publicly available sources, including websites, media reports, and tobacco company websites. The scores range from 0 to 5. The lower the score, the better the compliance with WHO FCTC Article 5.3 and its implementation guidelines.

The overall tobacco industry interference index was initiated in Southeast Asia in 2015. For the first time, Côte d'Ivoire conducted this assessment covering the years 2008 - 2021 with a focus on the level of industry involvement in policy making and forms of unnecessary interaction with the tobacco industry.

¹ World Health Organization. (2012). Data on tobacco use in the African Region. Report.

² <https://tobaccoatlas.org/>

³ <https://www.sikafinance.com/marches/societe.aspx?s=STBC.ci>

⁴ https://www.sikafinance.com/marches/tabac-le-secteur-a-lepreuve-de-la-pression-fiscale-en-cote-divoire_15702

Methodology

The ratification of the WHO Framework Convention on Tobacco Control (FCTC) by Côte d'Ivoire and the adoption of an anti-tobacco law reflect the willingness of the public authorities to commit to the implementation of the said convention through a national tobacco control policy. The implementation of these different measures aims not only to reduce the supply and demand of tobacco products, but also to limit the interference of the tobacco industry in public policies of tobacco control.

It is in this context that this report examines the implementation of Article 5.3 of the WHO FCTC, with the definition of the tobacco industry interference index in Côte d'Ivoire. It is the first to cover cases of tobacco industry interference from January 2008 to March 2021. To this end, evidence was collected, reviewed, and recorded in response to a questionnaire developed by SEATCA.

Data collection was based on publicly available information sources. The research was limited to information from official websites and libraries of public institutions, as well as reports from tobacco companies and affiliates and public institutions. Semi-structured interviews were conducted with key actors involved in the implementation of the FCTC Article 5.3 guidelines. Field observation was also used. The results were submitted for validation to a group of multidisciplinary experts in the field of tobacco. The report was revised and finalized based on the input received. The questions refer to the 20 most frequently reported incidents of tobacco industry interference in the country. They refer to specific recommendations from the FCTC Article 5.3 guidelines. This report quantifies the intensity, frequency or severity of a given interference incident. The methodology used allowed for the subjectivity of the respondents/researchers to be ignored. The scores established per item and the scores collected were reviewed.

Summary of findings

The index shows that tobacco companies are more or less active in the implementation of tobacco control policies. If they do not present themselves directly, they do so through front groups that represent them in negotiations. Although tobacco control legislation is in place (FCTC adoption, smoke-free law, decree banning smoking in public places and public transport), the provisions of Article 5.3 of the FCTC are poorly implemented in practice. Only the ordinance on transparency, which is comprehensive, is used by tobacco control actors.

1. TOBACCO INDUSTRY INVOLVEMENT IN POLICY DEVELOPMENT

The tobacco industry intervened in the adoption of the Codentify system. Philip Morris International, which lobbied the Ivorian Ministry of Commerce to adopt it, despite the fact that this system is not approved by the International Protocol to eliminate illicit trade in tobacco products⁵. The Codentify system (Inter-ministerial Decree Codentify) that was adopted by Côte d'Ivoire as a system of traceability of tobacco products has been strongly supported by the tobacco industry. In addition, the tobacco companies intervened in the drafting of the ECOWAS directive related to the system of tracking and tracing and fiscal verification of tobacco products. Through the Confédération générale des entreprises de Côte d'Ivoire (CGECI), a request for postponement of the draft directive was sent to the Ministry of Economy and Finance (CGECI letter attached)⁶.

2. TOBACCO INDUSTRY CSR ACTIVITIES

In the last five years, there have been no reports of CSR by tobacco companies. However, it should be noted that in the past, tobacco companies have been posing as socially responsible companies through donations on the occasion of the celebration of the world day of certain diseases. These donations were then used for village communities⁷.

3. BENEFITS TO THE TOBACCO INDUSTRY

The Confederation of Côte d'Ivoire Companies (CGECI) speaks on behalf of tobacco companies to claim benefits. This is the case where this Confederation of Côte d'Ivoire companies had to negotiate tax breaks benefiting tobacco companies. This is the tax schedule of 2018 and 2020 where the CGECI has pleaded for the maintenance of taxation of all companies including tobacco companies. This allowed the tobacco tax increase to be revised by a single point (35 to 36% in 2018) and from 38 to 39% in 2021 because of Covid-19⁸. In terms of incentives, the State of Côte d'Ivoire elected the CEO of Mata holding as the best business leader of the year 2017.

4. UNNECESSARY INTERACTIONS

The Ivorian Prime Minister participated in the ceremony to launch the activities of the CITYDIA supermarket chain of the Mata Holding group known as an ally of the tobacco

⁵ <https://www.otaf.info/node/188>

⁶ <http://clucod.org/Ressources/index.php?page=type&id=6><http://clucod.org/Ressources/index.php?page=type&id=6>

⁷ <http://justeinfos.net/index.php/actualite/societe/item/320-journee-mondiale-paludisme>

⁸ <https://cgeci.com/loi-de-finances-2021-la-cgeci-et-le-cabinet-mondon-presente-lannexe-fiscale-au-secteur-prive-ivoirien/>

industry. This supermarket is held by an ally of the tobacco industry (FOFANA Aboubacar) and distributes tobacco products.

5. TRANSPARENCY

Authorities do not disclose their interactions with tobacco companies. This is facilitated by the fact that the smoke-free law does not have a specific provision addressing Article 5.3 of the FCTC. However, the smoke-free law does require in its Article 5 that information on the quality, quantity, component of tobacco products be disclosed. There is no evidence of published meetings between tobacco companies and public authorities.

6. CONFLICTS OF INTEREST

Governments and tobacco companies have not yet encountered a conflict of interest that is reported in any channel. Interactions between the public authorities and the tobacco industry are not mediated. They are governed by Decree 2018-647 of August 1, 2018 setting the terms of application of Ordinance No. 2018-646 of August 1, 2018 on the investment code in its article that excludes tobacco companies from those enjoying the benefits of the investment code⁹.

7. PREVENTIVE MEASURES

Specifically, there is no code of conduct for interactions with the tobacco industries. However, all civil servants are bound by Ordinance No. 2013-660 of September 20, 2013 on the prevention and fight against corruption and similar offenses.

Recommendations

1. Initiate advocacy for the adoption of legal texts on article 5.3 at the national level;
2. The need to create an inter-ministerial committee is recommended to facilitate synergy of actions and share information
3. The Ministry in charge of good governance should complete and implement a procedure concerning relations with the tobacco industry and its representatives, including representatives of tobacco retailers (see agenda, participants, minutes, results);
4. Ivorian and sub-regional authorities should actively engage at the regional level to introduce provisions for Article 5.3 and its guidelines
5. Substantial popularization of the law on tobacco control remains very important;
6. Ivorian authorities should make effective the popularization of tobacco components
7. The tobacco industry should not be part of the confederation (CGECI¹⁰) of companies in Cote d'Ivoire so as to be excluded from the advantages granted to this confederation.
8. Encourage the creation of an inter-ministerial committee which includes civil society for better monitoring of the interactions between public authorities and the tobacco industry.

⁹

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjbrtHB4qLxAhVxA2MBHTDcAAwQFjACegQIBRAF&url=https%3A%2F%2Fwww.cepici.gouv.ci%2Fweb%2Fdocs%2Fdecret_app_ord_2018.pdf&usg=AOvVawIVXn6j7ZIWSpPwOjX1002

¹⁰ Confédération Générale des Entreprises de Côte d'Ivoire

2021 Tobacco Industry Interference Index Findings and Conclusions

	0	1	2	3	4	5
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 3.1)				3		
<p>The government of Côte d'Ivoire does not collaborate with tobacco companies in developing tobacco control policies. However, the Codentify¹¹ system that was adopted by Côte d'Ivoire as a tobacco traceability system was strongly supported by the tobacco industry¹². After discovering the hidden hand of the tobacco industry, this system is no longer being implemented and a new system is being developed to replace it.</p>						
2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)				3		
<p>The Codentify system (Arrêté interministériel Codentify) that was adopted by Côte d'Ivoire as a system of traceability of tobacco products was strongly supported by the tobacco industry¹³. After discovering the hidden hand of the tobacco industry, this system is no longer applied and a new draft system is being developed to replace it.</p> <p>In addition, tobacco companies have been involved in the drafting of the ECOWAS directive related to the tracking and tracing system and tax verification of tobacco products. Through the Confédération générale des entreprises de Côte d'Ivoire (CGECI), a request for postponement of the draft directive was sent to the Ministry of Economy and Finance of Côte d'Ivoire (CGECI letter in annex)¹⁴.</p>						
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)		1				
<p>There is no Interagency/Multisectoral Advisory Committee in Côte d'Ivoire. The Ministry of Health, which initiates and develops all health policy, does not sit with the tobacco industry.</p>						

¹¹ Codentify est un système de lutte contre la contrebande par la sérialisation de produits, développé et breveté par Philip Morris International (PMI). Cet outil d'empreinte est destiné à la vérification de l'authenticité des produits du tabac et au contrôle de la chaîne d'approvisionnement. Dans le processus de production, chaque paquet de cigarettes est marqué d'un code visible unique (appelé Codentify), qui permet d'authentifier le code sur un serveur central

¹² <https://www.otaf.info/node/188>

¹³ <http://clucod.org/Ressources/index.php?page=type&id=6>

¹⁴

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjbrtHB4qLxAhVxA2MBHTDcAAwQFjACegQIBRAF&url=https%3A%2F%2Fwww.cepici.gouv.ci%2Fweb%2Fdocs%2Fdecret_app_ord_2018.pdf&usg=AOvVawIVXn6j7ZIWSzpPwOjX1002

	0	1	2	3	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)		1				
No representatives were officially allowed to participate in the COP under the sponsorship of the tobacco industry. However, attempts have been made and have been denounced by civil society.						
INDICATOR 2 : Tobacco related CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in activities of the tobacco industry described as socially responsible. (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. (Rec 6.4)					4	
<p>Previous activities of some communities have been financed by tobacco companies during the celebration of the world day against certain diseases. The public authorities have not been able to prohibit these donations and support¹⁵. Indeed, the Ivorian Tobacco Company (SITAB) supported an NGO by offering various materials during the celebration of the World Malaria Day. These donations were distributed on this occasion to the populations of the village of Abobo-Baoulé in the commune of Abobo. This could be seen as a CSR action by SITAB.</p> <p>Actors of the distribution sector are encouraged and awarded as the best business leader on the basis that their company is socially responsible¹⁶.</p>						
INDICATOR 3 : Benefits to the Tobacco Industry						
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)					4	
<p>To date, tobacco product packaging is required to display a text-only warning on the side panel. Once the warning requirements under Section 11 of P.L. 2019-676 are in effect, packaging will be required to display combined text and image warnings that occupy at least 70% of the front and back of the product. Procedures for implementing the packaging and labeling requirements, including health warnings, under Public Law No. 2019-676 are to be defined by a regulatory text that has not been issued¹⁷.</p> <p>Tobacco companies have intervened in the drafting of the ECOWAS directive in relation to the system of tracking and tracing and tax verification of tobacco products. Through the</p>						

¹⁵ <http://justeinfos.net/index.php/actualite/societe/item/320-journee-mondiale-paludisme>

¹⁶ <https://news.abidjan.net/h/622375.html>

¹⁷ <https://www.tobaccocontrol.org/legislation/country/cote-divoire>

	0	1	2	3	4	5
General Confederation of Enterprises of Côte d'Ivoire (CGECI), a request for postponement of the draft directive has been sent to the Ministry of Economy and Finance (CGECI letter) ¹⁸ . As Côte d'Ivoire has the largest economy in ECOWAS, its failure to adhere to this system constitutes a blockage in the process of its adoption at the sub-regional level.						
International passengers over the age of 15 are free to import 200 cigarettes or 100 cigarillos or 25 cigars or 250 grams of tobacco into Côte d'Ivoire without paying customs duties ¹⁹ . This is evidence of the slow pace of implementation of Article 13 of Law No. 2019-676 prohibiting duty-free sales of tobacco products.						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)				3		
The government does not grant tax privileges to the tobacco industry. However, the tobacco companies have joined forces with the Côte d'Ivoire business federation (CGECI) to negotiate tax breaks. This is the case of the tax schedule 2018 and 2020 where the CGECI has pleaded for the maintenance of taxation of all companies including tobacco firms. This allowed the tobacco tax increase to be revised by only one point (35 to 36% in 2018) and from 38 to 39% in 2021 because of Covid-19 ²⁰ . In terms of incentives, the State of Côte d'Ivoire elected the CEO of Mataholding as the best business leader of the year 2017. ²¹						
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)				3		
The Prime Minister, Amadou Gon Coulibaly, participated in the ceremony to launch the activities of the CITYDIA supermarket chain of the Mata Holding group, known as an ally of the tobacco industry ²² . This supermarket is an ally of the tobacco industry through its owner (FOFANA Aboubacar) who distributes tobacco products ²³ .						
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)				1		
This type of offer has not been seen in our country.						

¹⁸ <http://clucod.org/Ressources/index.php?page=type&id=6>

¹⁹ <https://www.iatatravelcentre.com/ci-Cote-d'Ivoire-customs-currency-airport-tax-regulations-details.htm>

²⁰ <https://cgeci.com/loi-de-finances-2021-la-cgeci-et-le-cabinet-mondon-presente-lannexe-fiscale-au-secteur-prive-ivoirien/>

²¹ <https://abidjan.net/qui/profil.asp?id=3142>

²² http://www.gouv.ci/_actualite-article.php?d=3&recordID=7444&p=18

²³ http://www.gouv.ci/_actualite-article.php?d=3&recordID=7444&p=18

	0	1	2	3	4	5
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) <u>NOTE:</u> This should not include CSR, law enforcement activities, or tobacco control policy development, as these are already covered by the previous questions.		1				
There is no indication that the Ivorian government has a relationship with tobacco companies in terms of partnership.						
INDICATOR 5 : Transparency						
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
Authorities do not disclose their interactions with tobacco companies, even though Section 5 of the Tobacco Control Act requires it. There is no evidence of published meetings between tobacco companies and public authorities.						
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
These rules do not exist in our legal texts. Our tobacco control law does not have a specific section requiring the reporting or registration of tobacco industry entities, their affiliated organizations, and individuals acting on their behalf.						
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)	0					
Political parties do not receive any contributions from tobacco companies. Only the state provides funding to political parties.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
There is no record of retired senior officials joining 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					
There is no current record of government officials holding 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						5

	0	1	2	3	4	5
and outcome) with the tobacco industry and its representatives. (Rec 5.1)						
This procedure does not exist in our country.						
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.				3		
Specifically, there is no code of conduct for interactions with the tobacco industry. All civil servants are subject to Ordinance No. 2013-660 of September 20, 2013 on the prevention and fight against corruption and related offenses ²⁴ .						
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.				3		
This requirement is made by the law N°2019-676 of July 23, 2019 relating to tobacco control in Côte d'Ivoire in its article 5 "Manufacturers and importers of tobacco products have the obligation to communicate annually to the Ministry in charge of Health any information relating to the quality, quantity, composition and emissions of tobacco products" ²⁵ . Although the law provides for this, tobacco companies do not comply with this requirement. This means that tobacco company marketing expenditures, CSR activities, and lobbying are not reported or submitted.						
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)				3		
No program/system/plan to raise awareness of policies related to the FCTC Article 5.3 guidelines. Only "Ordinance No. 2013-660 of September 20, 2013 on the prevention and fight against corruption and similar offenses" ²⁶ remains valid.						
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. (Rec 3.4)		2				

²⁴ https://www.habg.ci/fichier/ORDONNANCE_N2013-660_20_SEPTEMBRE_2013.pdf

²⁵ <https://www.tobaccocontrolaws.org/files/live/Cote%20d'Ivoire/Cote%20d%27Ivoire%20-%20Law%20No.%202019-676%20-%20national.pdf>

²⁶ https://www.habg.ci/fichier/ORDONNANCE_N2013-660_20_SEPTEMBRE_2013.pdf

	0	1	2	3	4	5
<p>Only Ordinance No. 2013-660 of September 20, 2013, on the prevention and fight against corruption and related offenses remains the current law. This ordinance served as a basis for tobacco control actors to prevent a trip to Switzerland proposed by the tobacco industry to deputies in 2019.</p> <p>However, this ordinance is all-encompassing. A specific text to regulate the interaction of the tobacco industry with the public authorities is needed.</p>						
TOTAL						50

ANNEX A: Sources of information

TOBACCO INDUSTRY ACTIVITY

LOCAL TOBACCO COMPANIES

Top 5 Local Tobacco Company	Market Share and Brands	Source
SITAB S.A et SITAB Industries	45% Fine, Pall Mall, P&S, WEST, Davidoff, Excellence	https://www.imperialbrandsplc.com/index.html
IDT	Fine, Pall Mall, P&S, WEST, Davidoff, Excellence	https://business.abidjan.net/AL/a/3652.asp https://news.abidjan.net/h/622375.html
CDCI	Turnover 2016: 144,776,683,314 FCFA All brands of cigarettes and cigars	https://businessinfo.ci > upload > pdf > BBCo-Top...
Afrique Tabac	Turnover 2015: 2 645 800 212 FCFA Marketing of tobacco, cigarettes and all tobacco products	https://businessinfo.ci > upload > pdf > BBCo-Top...
2015 revenues in CFA francs: 1 012 613 806 Marlboro, craven	2015 revenues in CFA francs: 1 012 613 806 Marlboro, craven	https://businessinfo.ci > upload > pdf > BBCo-Top...

TOBACCO FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	Source
CGECI	Front Group	https://cgeci.com/loi-de-finances-2021-la-cgeci-et-le-cabinet-mondon-presente-lannexe-fiscale-au-secteur-prive-ivoirien/
Mata Holding	Front Group	https://www.pratik.ci/annuaire/mata-holding www.mata.ci
UGECI	Front Group	https://cgeci.com/loi-de-finances-2021-la-cgeci-et-le-cabinet-mondon-presente-lannexe-fiscale-au-secteur-prive-ivoirien/
3I	Affiliate	https://www.financialafrik.com/2016/08/22/323295/

IDT	Affiliate BAT	https://business.abidjan.net/AL/a/3652.asp
-----	---------------	---

News Sources

Top 5 Newspaper/Dailies	Type (Print/Online)	Source
Fraternité Matin	Print/Online	https://www.fratmat.info/
KOACI	Online	https://www.koaci.com/pays/cote-divoire
Notre Voie	Print/Online	https://www.notrevoienews.com/
Financial Afrik	Online	https://www.financialafrik.com/
APA News	Online	http://apanews.net/fr/news/la-cote-divoire-renforce-son-dispositif-legal-de-lutte-anti-tabac