

Myanmar

Overall score:

53

I. Industry participation in policy development:

The National Tobacco Control Board has been constituted under the national tobacco control law of 2006. Although representatives from tobacco industries are not present in the Board as members, the government will consider proposals from the tobacco industry in setting or implementing public health policies in relation to tobacco control. In 2017 the tobacco industry submitted a tobacco tax proposal for the tax reform to the Internal Revenue Department and Ministry of Planning and Finance. The Ministry acknowledged the receipt of the proposal and indicated it will include it for consideration.

II. Tobacco industry-related CSR activities: A local Cigarette Company, called Myanmar Kokang Company Ltd. (MMK Cigarette Factory), at Muse, Northern Shan State, provided sponsorship through its distributor, Hexa Power Company Ltd., for the mini marathon and public walking event in Mandalay which were held in 2018 December and 2019 January, respectively. Although tobacco industry-related CSR and tobacco advertising, promotions and sponsorship are prohibited by the Control of Smoking and Consumption of Tobacco Product Law, BAT was awarded an AMCHAM CSR (ACE) Award. The Department of Rural Development endorsed BAT's CSR activities in 2016 by cooperating to provide a list of villages for its activities. This project is still ongoing. JTI's project to provide drinking water to Kayin State for refugees is also still ongoing.

III. Benefits given to the tobacco industry: For the second and third year of pictorial health warning implementation, the second picture should appear on the cigarette packs from 2017 Dec to 2018 Nov 30th and the third picture should appear on tobacco products from 2018 Dec to Nov 30th 2019. However, not all the tobacco products carry the

required pictures and old pictures were still found in the market. No action was found to be taken.

The Myanmar government is open and welcoming to foreign investment including BAT and JTI, and most recently to Burma Tobacco Trading Co. for cigar production and tobacco growing.

IV. Unnecessary interaction with the tobacco industry:

There are no publicly available reports of government officials attending social functions of the tobacco industry. EUROCHAM Myanmar has an anti-Illicit Trade group which has BAT as a member. The objective of this group is "to coordinate regular consultation meetings between the group and the authorized government officials to develop a shared understanding of challenges and issues."

V. Procedure for transparency measures: There is no mechanism or rules for disclosure of government meetings with the tobacco industry. The Ministry of Health and Sports is working on this now. Meanwhile, the special commercial tax law requires all facilities and distribution chains to register.

VI. Avoiding conflicts of interest: The government does not prohibit contributions from the tobacco industry or any entity working to further its interests. Retired senior government officials form part of the tobacco industry.

VII. Preventive measures: The Ministry of Planning and Finance, Directorate of Investment and Company Administration issued the Anti-corruption Code of Ethics for Companies and Body Corporates on 3rd August 2018. Although the code is not specifically for tobacco industry, it covers all the companies and corporate bodies incorporated within the Republic of the Union of Myanmar when making business deals with ministries

concerned or government organizations, and companies or organizations in the private sector.

However, the government does not require tobacco industry reporting of market share, marketing expenditures, revenues and any other activities, including lobbying, philanthropy, political contributions. It does not have specific guidelines in compliance with the WHO FCTC Art 5.3 guidelines for the departments dealing with tobacco industry such as Internal Revenue Department for tax collection.

The Myanmar Anti-corruption Commission issued on 19 October 2018, a Notification concerning the need for all business to establish a strong business code of ethics to prevent corruption (Republic of the Union of Myanmar Anti-Corruption Commission Notification No. 14 /2018).

Recommendations

- 1.** A code of conduct being developed by the Ministry of Health and Sports should be implemented as soon as possible. This Code should also be extended to the whole government to assist officials in their interaction with the tobacco industry.
- 2.** No benefits should be given to the tobacco industry. Action should be taken against any tobacco company for non-compliance with local legislation.
- 3.** The tobacco industry should be required to report on market share, marketing expenditures, revenues and philanthropy contributions. All current tobacco industry-related CSR activities should be ended.