

Chile

Overall score:

64

Summary of Findings

1. Industry participation in policy development

Chile implements high tobacco taxes and 100% smoke-free-places legislation. Labeling is 50% at the bottom. Promotion and sponsorship, is almost fully banned but the penalty remains low. Currently, Chile has no legislative regulation on the participation of harmful companies, such as tobacco companies, in policy development and implementation.

2. Industry CSR activities

Government agencies or their officials do not endorse, support, form partnerships with or participate in so-called CSR activities organized by the tobacco industry.

3. Benefits to the industry

International travelers can bring into the country up to an amount not exceeding, per adult, 400 units of cigarettes, 500 grams of pipe tobacco, 50 units of cigars and 2,500 cubic centimeters of alcoholic beverages.

4. Unnecessary interaction

The government does not accept assistance from the tobacco industry on enforcement and implementation of tobacco control policies.

5. Transparency

Chile has transparency legislation, Ley 20285, which specifies that the authorities, whatever the level with which the Constitution and the laws designate them, and the officials of the State Administration, must strictly comply to the principle of transparency of the public function, which consists of respecting and protecting the publicity of acts, resolutions, administration procedures and documents, as well as of its foundations, and in facilitating access for any person to that information, through the means and procedures that the law has set.¹

6. Conflict of interest

Since 2014, there is Law No. 20,730, which regulates the lobby and other efforts that represent private interests, in order to strengthen transparency and honesty, in which meetings with tobacco companies are published.

Because the government does not prohibit TI contributions, candidates and campaigns do not have to disclose these contributions. In Chile there is a Transparency Law and Probity Law, but neither of them indicates that it prevents contributions from the tobacco industry.

7. Preventive measures

The government has not formulated nor adopted a code of conduct for public officials to guide them when dealing with the tobacco industry.

¹ <https://ciperchile.cl/wp-content/uploads/resumen-de-ley-20285.pdf>



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Recommendations

- 1.** Formulate or adopt a code of conduct for public officials to guide them when dealing with the tobacco industry.
- 2.** Decrease the number of cigarettes, grams of pipe tobacco and units of cigars that international travelers can bring into the country.
- 3.** Accelerate the new tobacco legislation that has been in the Senate Agriculture Commission for two years.
- 4.** Requirement of rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists.
- 5.** 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.
- 6.** Implement a program/system/plan to consistently raise awareness within government departments on policies relating to WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 Guidelines.
- 7.** 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.