



SOUTHEAST ASIA TOBACCO CONTROL ALLIANCE



TOBACCO INDUSTRY INTERFERENCE INDEX

Implementation of Article 5.3 of the WHO Framework Convention
on Tobacco Control in Asian Countries, 2021

Author

Jennie Lyn Reyes

Editors

Mary Assunta Kolandai and Edgardo Ulysses Dorotheo

Editorial team

Southeast Asia Tobacco Control Alliance (SEATCA)

Acknowledgement

This report would not be possible without our partners' hard work and support in compiling country information and evidence. We say a big thank you to:

- » Bangladesh: PROGGA (Knowledge for Progress)
- » Brunei: Ministry of Health
- » Cambodia: Cambodia Movement for Health
- » China: Consultant
- » India: Partners in Change
- » Indonesia: Dr. Widyastuti Soerojo and Mouhamad Bigwanto
- » Japan: Japan Society for Tobacco Control
- » Korea (Republic of): Korean Association on Smoking or Health
- » Lao PDR: Dr. Maniphanh Vongphosy
- » Malaysia: Malaysian Women's Action for Tobacco Control and Health (MyWATCH)
- » Maldives: NCD Alliance
- » Mongolia: Dr. Tserendulam Shagdarsulen
- » Myanmar: People's Health Foundation
- » Nepal: Health Rights and Tobacco Control Network
- » Pakistan: Society for Alternative Media and Research (SAMAR)
- » Philippines: HealthJustice Philippines
- » Sri Lanka: Alcohol & Drug Information Centre
- » Thailand: Action on Smoking & Health Foundation
- » Vietnam: HealthBridge Foundation

We also express our gratitude to the Bill and Melinda Gates Foundation (BMGF) and Thai Health Promotion Foundation (ThaiHealth) for funding this report.

Suggested citation

Reyes, JL. SEATCA Tobacco Industry Interference Index: Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control in Asian Countries, 2021. December 2021. Southeast Asia Tobacco Control Alliance (SEATCA). Bangkok, Thailand.

Cover Design and Layout

Sophie Everett Design - sophieeverett.com.au

Published by

Southeast Asia Tobacco Control Alliance (SEATCA)
4D Thakolsuk Place, 115 Thoddamri Road, Dusit,
Bangkok 10300 Thailand.

Disclaimer

The information, findings, interpretations, and conclusions expressed herein are those of the author(s) and do not necessarily reflect the views of the funding organization, its staff, or its Board of Directors. While reasonable efforts have been made to ensure the accuracy of information presented in this report at the time of publication, SEATCA does not warrant that the information in this document is complete and correct and shall not be liable for any damages incurred as a result of its use. Any factual errors or omissions are unintentional. For any corrections, please contact SEATCA via email: info@seatca.org.

© Southeast Asia Tobacco Control Alliance 2021

This document is the intellectual property of SEATCA and its authors. SEATCA retains copyright on all text and graphic images in this document, unless indicated otherwise. This copyright is protected by domestic and copyright laws and international treaty provisions. The information in this document is made available for non-commercial use only. You may store the contents on your own computer or print copies of the information for your own non-commercial use. You are prohibited from modifying or re-using the text and graphics in this document, distributing the text and graphics in this document to others, or "mirroring" the information in this document in other media without the written permission of SEATCA. All other rights reserved. For more information, visit: www.seatca.org

About SEATCA (www.seatca.org)

SEATCA is a multi-sectoral non-governmental alliance promoting health and saving lives by supporting ASEAN countries to accelerate and effectively implement the evidence-based tobacco control measures contained in the WHO Framework Convention on Tobacco Control. Acknowledged by governments, academic institutions, and civil society for its advancement of tobacco control in Southeast Asia, the WHO bestowed upon SEATCA the World No Tobacco Day Award in 2004 and the WHO Director-General's Special Recognition Award in 2014. SEATCA is an official NGO Observer to the WHO FCTC Conference of Parties and a co-initiator of the Global Center for Good Governance in Tobacco Control (GGTC).

CONTENTS

02 Introduction

04 Summary of Findings

06 Tobacco Industry Interference in Asian Countries

06 Industry Participation in Policy Development

09 Industry CSR Activities

12 Benefits to the Tobacco Industry

15 Forms of Unnecessary Interactions

18 Transparency

20 Conflicts of Interest

24 Preventive Measures

28 Conclusions and Recommendations

32 References

INTRODUCTION

With over 249 million infections and 5 million deaths reported to date globally,¹ the COVID-19 pandemic is leaving behind an indelible impact. Yet, another crisis has been raging for decades that exacerbates COVID-19's burden on public health systems.

Fueled by profits, the tobacco industry and its products are already killing over eight million people globally per year, mostly in low- and middle-income countries.² Because tobacco smoking is a known risk factor for many respiratory infections and noncommunicable diseases, people with these conditions have a higher risk of severe COVID-19 illness and death.³

The impacts of the two pandemics converge in Asia. Countries with the most significant number of COVID-19 cases include India, Indonesia, and the Philippines.⁴ These countries, alongside China, Japan, Bangladesh, Vietnam, and Korea,ⁱ also represent countries with the largest smoking populations in the world.⁵ Five transnational tobacco companies (TTCs) that have dominated the global market for the past decade are also present in the region: China National Tobacco Corporation (CNTC), Philip Morris International (PMI), British American Tobacco (BAT), Japan Tobacco International (JTI), and Imperial Tobacco Group (ITG).⁶ Korea Tomorrow and Global Corporation (KT&G) is competing for market share with these TTCs and aims to "join the ranks of the global "Big Four" tobacco companies by 2025."⁷ Except for CNTC, all have already ventured into electronic smoking devices (ESDs) such as e-cigarettesⁱⁱ and heated tobacco products (HTPs).⁸

Nearly all Asian countries are Parties to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC). FCTC Article 5.3 emphasizes vigilance and a need to protect public health from the tobacco industry's strategies that challenge new and weaken existing tobacco control measures and life-saving policies. However, the Article 5.3 implementation guidelines remain largely underutilized by many governments, with non-health policymaking particularly vulnerable to tobacco industry interference.⁹

The COVID-19 pandemic has highlighted that any gap in the implementation of Article 5.3 and its guidelines would provide the tobacco industry ample opportunities to influence governments to its advantage. Low-resourced countries are particularly vulnerable to the tobacco industry. For example, the industry stepped up its corporate social responsibility (CSR) activities such as donations of medical equipment and hospital supplies, while enjoying privileges such as tax breaks and blocking regulatory measures such as tax increases that would have given governments potential resources for a robust pandemic response.

ⁱ Refers to South Korea or officially Republic of Korea in this report.

ⁱⁱ Electronic cigarettes or e-cigarettes are the most common types of electronic nicotine delivery systems (ENDS) that also include e-cigs, e-pipes, and e-shisha, that heat a nicotine-containing e-liquid or e-juice without tobacco.

This 3rd Asian Tobacco Industry Interference Index report gauges the level of implementation of Article 5.3 and its guidelines in 19 countries. Mongolia joins the roster of countries in addition to Bangladesh, Brunei, Cambodia, China, India, Indonesia, Japan, Korea, Lao PDR, Malaysia, Maldives, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam.

Partners in each country conducted the initial survey and prepared a national report based on publicly available evidence from January 2020 to March 2021 (See Annex 1). For consistency, a standard questionnaire and scoring method¹⁰ are used to identify and quantify the frequency and severity of tobacco industry interference and specific government measures or responses to address these incidents. As the report uses only publicly available data, analysis is limited. Nevertheless, these assessments may still help identify specific policy gaps where governments can make improvements.



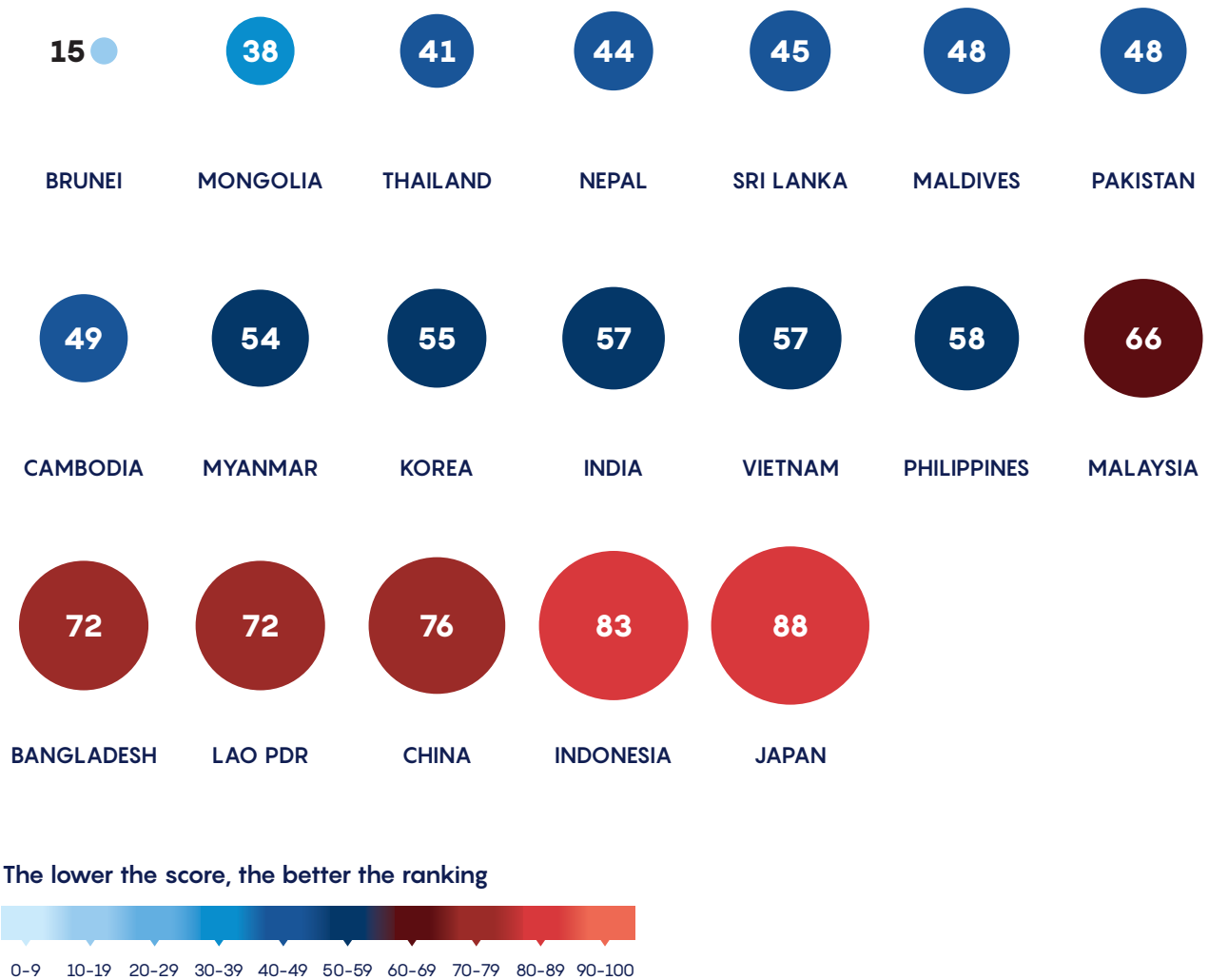
The global report on the FCTC's implementation identifies tobacco industry interference, combined with the rise of new tobacco products, as a major barrier to the treaty's global progress.”¹¹

SUMMARY OF FINDINGS

- » Despite considerable obstacles in countering the tobacco industry, eleven (11) countries have adopted preventive measures specifically to implement Article 5.3 and other best practices to isolate and de-normalize the tobacco industry interference as part of good governance.
- » Japan has the highest level of tobacco industry interference on most indicators, placing it at the bottom among countries in Asia; Brunei and Mongolia are the top countries making progress in the region.
- » When the tobacco industry is unhindered in policy development, its influence in tobacco control policies is seen in Indonesia, Philippines, China, and Japan, which scored high in this indicator.
- » The tobacco industry thrives in influencing governments to relax tobacco control measures, including regulations on ESDs in Indonesia, Malaysia, Philippines, and Vietnam to be aligned with the industry's business.
- » Tobacco industry-sponsored CSR activities intensified, with initiatives specifically directed at governments' pandemic-induced emergency responses. Both health and non-health front liners became vulnerable to the industry and received cash donations, protective equipment, and medical/hospital supplies, among others.
- » Except in Brunei, where there is no domestic tobacco producer or manufacturer, the tobacco industry continues to receive benefits such as tax breaks, subsidies, or facilitation of trade agreements in the 18 other countries. Bangladesh and the Philippines exempted tobacco products from restrictions on non-essential goods/sectors during the pandemic.
- » Unnecessary interactions with the tobacco industry occurred even when most events and physical gatherings were banned because of COVID-19. In 2020, activities related to illicit trade enforcement remained a specific area where governments work side-by-side with the industry. Government awards and recognition that elevate the profile of the tobacco industry were also frequent.
- » A systemic lack of transparency in disclosing government interactions with the tobacco industry remains a substantial problem. Almost all countries (except Brunei and Philippines) do not have a procedure to make these interactions public. None of the countries have a registry to disclose the tobacco industry's affiliate organizations, individuals, or lobbyists acting on its behalf.
- » Conflicts of interest persist by accepting political contributions from the tobacco industry, incumbents and/or former government officials working for tobacco companies, and government funds invested in the tobacco business.

FIGURE 1: TOBACCO INDUSTRY INTERFERENCE IN ASIAN COUNTRIES

Figure 1 shows the overall level of tobacco industry interference in 19 countries in Asia in 2021. Lower scores mean better implementation of Article 5.3 and its guidelines.



TOBACCO INDUSTRY INTERFERENCE IN ASIAN COUNTRIES

INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Brunei, Cambodia, Korea, Maldives, Mongolia, Nepal, Pakistan, and Thailand (Figure 2) do not accept policy positions or legislative drafts by or in collaboration with the tobacco industry.ⁱⁱⁱ In these countries, the tobacco industry has no designated seat in government bodies to participate in public policy formulation.

In many other countries, the tobacco industry and agents acting on its behalf freely participate in policymaking and exert influence to drive industry-friendly policy outcomes. For example, JTI used diplomatic channels to pressure the **Bangladesh** government over tobacco control measures that it claimed were hurting JTI's business, and it warned would impede the flow of direct investments from Japan.¹² In **Myanmar**, the industry also regularly submits unsolicited proposals on tobacco tax policy

reform and administration, which the government considers to finalize the Union Tax Law.¹³

Similarly, governments of **Indonesia**,^{14,15} **Malaysia**,¹⁶ and **Philippines**¹⁷ regard the tobacco industry as a legitimate stakeholder and legally permit industry participation in policy development.

State ownership in the tobacco business (Table 1) also allows direct inclusion of the tobacco industry in formulating and implementing public health policies.^{iv} The Healthy **China** Action Plan (2019-2030), one of the most important policy frameworks for health in China, includes the State Tobacco Monopoly Administration (STMA) to implement public health policies at the national level.¹⁸ In **Japan**, the Tobacco Business Act guarantees the tobacco industry to self-regulate its products' promotions and advertising.

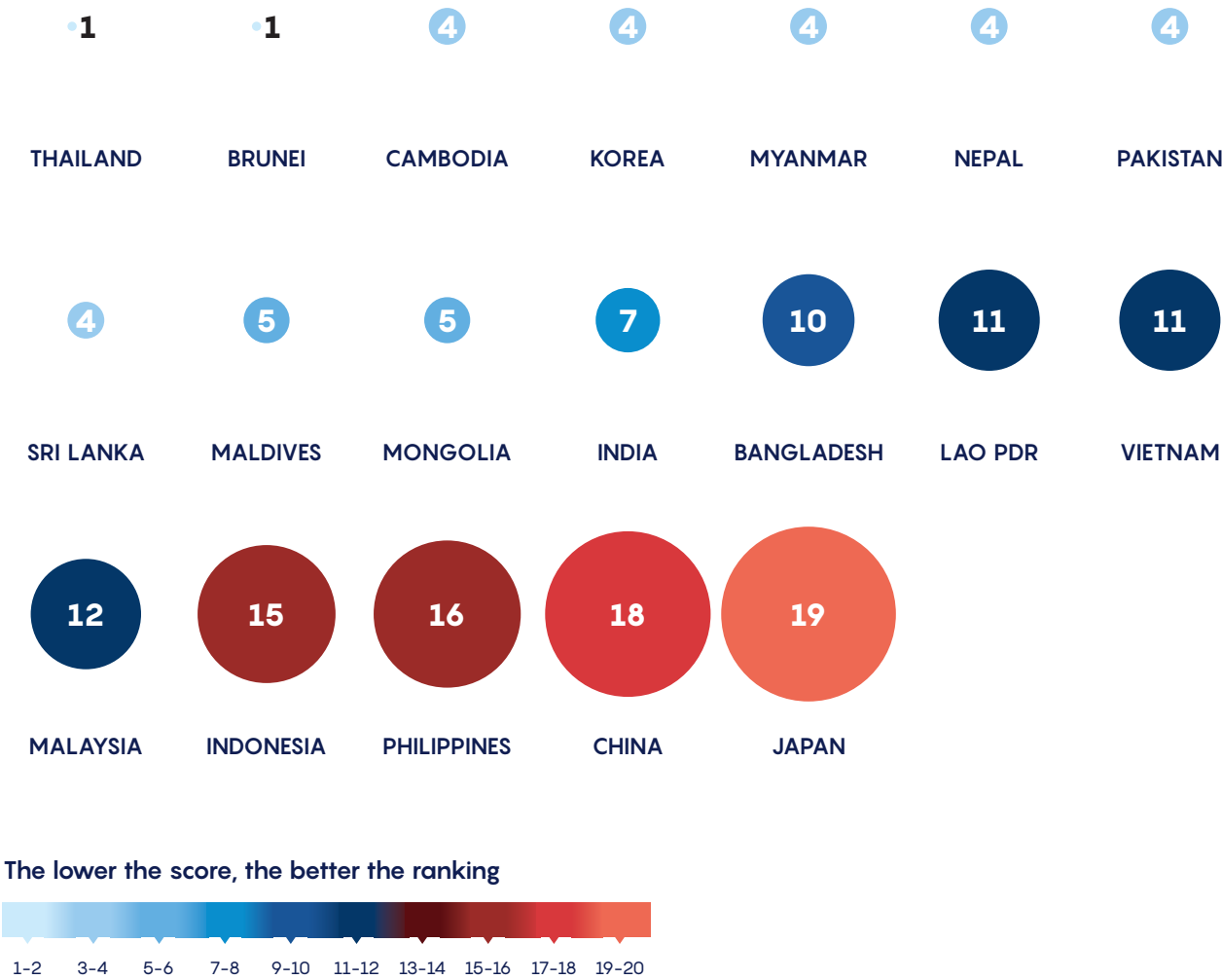
Table 1: State-owned tobacco enterprises in Asia

China	China National Tobacco Corporation (CNTC)	State monopoly
Japan	Japan Tobacco Group (JTG)	33% state ownership
Lao PDR	Lao Tobacco Limited (LTL) (joint venture with Imperial Tobacco Group (ITG))	47% state ownership
Thailand	Thailand Authority of Thailand (TAOT), formerly Thai Tobacco Monopoly (TTM)	Corporatized but state-managed
Vietnam	Vietnam National Tobacco Corporation (Vinataba)	State monopoly

ⁱⁱⁱ No local tobacco producers or manufacturers in Brunei and Maldives. Maldives' Tobacco Control Board allows representation from the business community and the National Chamber for Commerce but members undergo a vetting process to determine that there is no conflict of interest. Mongolia has no national tobacco board.

^{iv} China and Japan have included representatives from the industry to join government delegations at the Conference of Parties (COP), the FCTC's decision-making body, in previous meetings (2014, 2016, and 2018).

**FIGURE 2: INDUSTRY PARTICIPATION
IN POLICY DEVELOPMENT**



In 2020, the tobacco industry continued to push for new industry-favorable regulatory measures on ESDs and/or reversal of existing regulations in countries where they are not yet banned. In **Indonesia**, the industry's lobbying for special regulation on ESDs gained traction with the Ministry of Industry's plan to develop a national standard for HTPs in 2020 and e-cigarettes in 2021.¹⁹ Similarly, in **Vietnam**, following a series of events engaging PMI,²⁰ the Ministry of Science and Technology issued three sets of standards on HTPs^v that all benefit the industry. In **Malaysia**, the government abandoned the health ministry's recommendation to ban ESDs by applying excise taxes on devices and liquids, thereby legalizing these products.²¹ In the **Philippines**, Congress continued to deliberate on bills aiming to weaken

Republic Act No. 11467 that gave the Food and Drug Administration express authority to regulate ESDs, prohibited sales to non-smokers and persons below 21 years old, and limited flavors to plain tobacco or plain menthol.²² During committee hearings, representatives/front groups of the tobacco industry^{vi} were invited to state their comments and even propose legislative language, which the House of Representatives incorporated into a bill that not only will allow advertising, promotions, and sponsorships, and vaping indoors through designated vaping areas, but also transfer regulatory authority to the Department of Trade and Industry, remove the prohibition on sale to non-smokers, lower the legal sales age to 18 years, and allow multiple flavors attractive to teens.²³

^v General Department of Standards, Metrology and Quality of Vietnam - Ministry of Science and Technology Decision 3458 / QQD-BKHCN: TCVN 1354 – 2020 (nitrogen oxides content); TCVN 1355 – 2020 (carbon monoxide content); and TCVN 1356 – 2020: (products specification).

^{vi} Philip Morris Fortune Tobacco Corporation (PMFTC), JUUL Labs, Philippine E-Cigarette Industry (PECIA), The Vapers Philippines, JTI (Philippines), RELX Technology, Harm Reduction Alliance of the Philippines.

INDUSTRY CSR ACTIVITIES

The tobacco industry needs to divert attention from the diseases and other harms caused by the products it manufactures and sells. To project an image of corporate goodwill, tobacco industry-sponsored CSR activities often target socially or economically vulnerable groups.

But there is nothing responsible about an industry that kills more than half of its customers, pollutes the environment, or treats workers with unlawful labor practices. To this end, **Brunei, Lao PDR, Maldives, Mongolia, Myanmar, Nepal, and Thailand**, have banned these activities (Figure 3), while **Sri Lanka** applies some restrictions.^{vii}

Pandemic-specific CSR activities

In several countries, despite prohibitions on tobacco-related CSR, the industry continues to circumvent the bans, especially when government resources are inadequate. At the pandemic's onset, the industry donated personal protective equipment (PPEs), medical supplies, and food provisions in many areas affected by lockdowns. In **Myanmar**, the national task force on the pandemic under the Ministry of Health and Sports received a donation from cheroot producers amounting to MMK 35 million (USD 25,000). Surya Nepal, a subsidiary of India Tobacco Company (ITC) and BAT, also donated NPR 10 million (USD 85,000) each to **Nepal's** five provincial chief ministers.²⁴ In **Thailand**, TAOT manufactured and distributed disinfectant sprays to hospital employees and the public.²⁵

In **China**, where there are no restrictions on tobacco-related CSR, the state-owned CNTC donated RMB 456 million (USD 70 million) for the pandemic response, strengthening the industry's position as a "pillar of the economy."²⁶ In **India**,^{viii} tobacco companies committed USD 37 million in donations to various government funds as part of the industry's relief activities.²⁷ The industry also reported charitable donations in **Korea** through KT&G²⁸ and PMI in **Pakistan**.²⁹

The government of **Indonesia**^{ix} also expressed appreciation to the tobacco industry for its contributions to pandemic response, which included food packages, PPEs, COVID-19 testing machines, and ambulances.³⁰

The unprecedented pandemic-induced emergency and the shortage of health resources in many countries presented opportunities for the tobacco industry to conduct CSR activities in partnership with medical and non-medical front liners. For example, in **Bangladesh**, BAT donated PPEs and its sanitizer, Shudhdho,^x to government hospitals, the military, and the police^{31,32} while JTI distributed food and hygiene packages in collaboration with Rapid Action Battalion, a unit of the national police. In **Malaysia**, JTI donated PPEs worth MYR 150,000 to the police force.³³

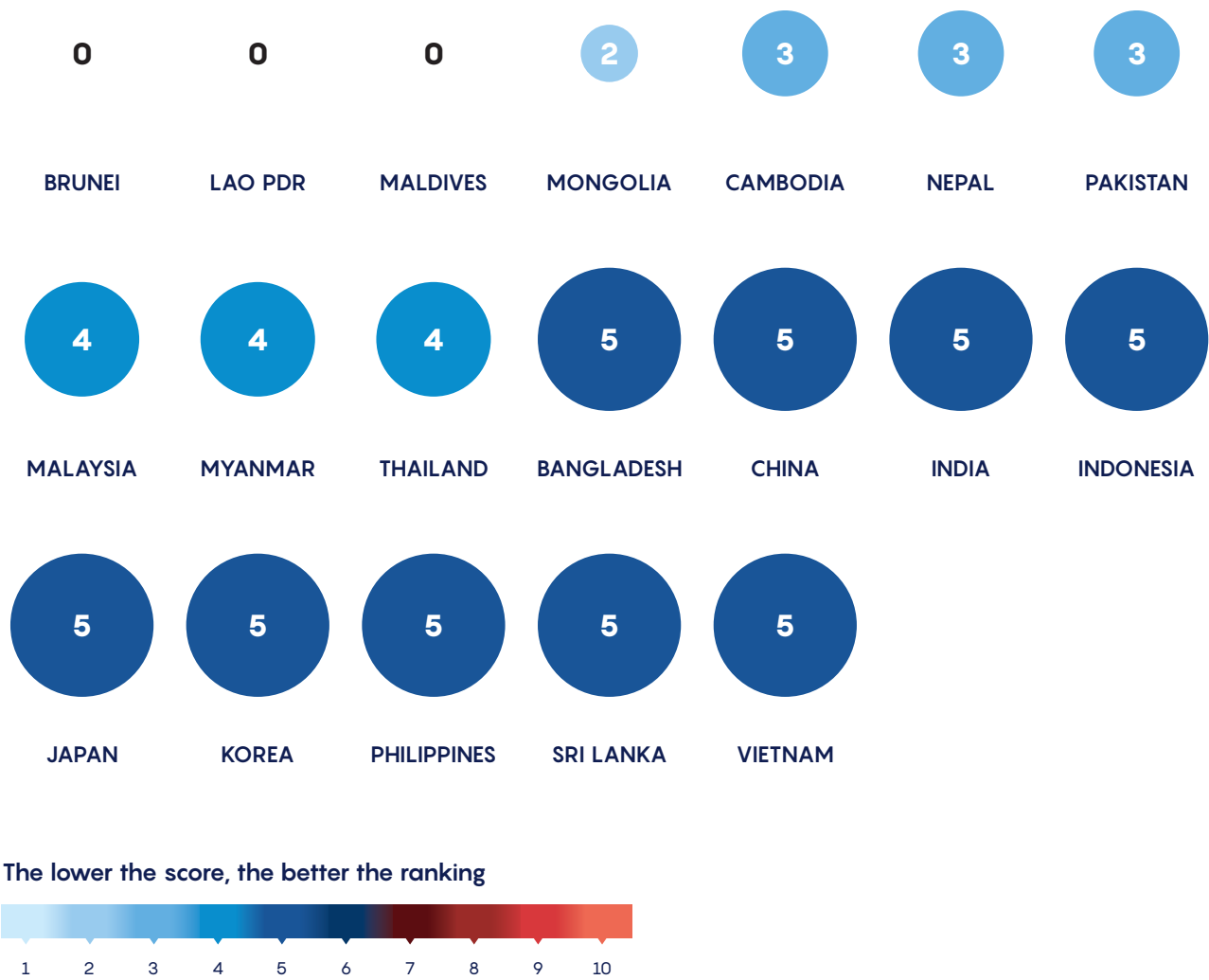
^{vii} Under the National Authority on Tobacco and Alcohol (NATA), the industry cannot sponsor educational, cultural, social or sporting organization, activity or event. However, publicity that does not use tobacco brand names or trademarks are allowed.

^{viii} The Cigarettes and Other Tobacco Products Act (COTPA) bars tobacco CSR activities, but a recent amendment to the Companies Act mandates large companies including tobacco companies spend 2% of their profit for CSR activities.

^{ix} Although, Article 36 of Government Regulation 109/2012 restricts promotions and media coverage of tobacco industry sponsorships, other national laws encourage and promote CSR activities, allowing national and local governments to receive support for such initiatives.

^x Produced by BAT Bangladesh using its manufacturing facilities and distributed under its newly founded Prerona Foundation.

FIGURE 3: INDUSTRY CSR ACTIVITIES



Non-pandemic related CSR continued

The tobacco industry also continued its non-pandemic CSR activities covering a wide array of projects, which the industry implements directly or in collaboration with other organizations. For example, in **Bangladesh**, the tobacco industry donates to the Bangladesh Labour Welfare Foundation (BLWF) to support labor welfare projects.³⁴ In **India**, ITC engaged local NGOs to initiate livelihood programs for farmers and daily wage earners under the government's flagship employment program.³⁵ In the **Philippines**, Philip Morris Fortune Tobacco Corporation (PMFTC), through its CSR arm, Embrace, partners mainly with Jaime V. Ongpin Foundation and conducted at least 34 of these so-called CSR activities in 2020.³⁶

In attempts to whitewash its harmful impacts and practices, the tobacco industry also supported "ecological restoration projects" mainly through tree planting activities in **Bangladesh**,³⁷ **Indonesia**,^{38,39} and **Sri Lanka**.⁴⁰ At the same time, domestic tobacco companies and TTCs continue to support multiple projects in education and student aid, livelihood, disaster relief, infrastructure, and rehabilitation in **China**, **Indonesia**, and **Vietnam**.

Notwithstanding the charity, the tobacco industry makes no effort to conceal its real business agenda by sponsoring the construction/designation of more smoking spaces in **China**, branding the campaign as "civilized smoking environment", as well as in **Japan** and **Korea**.



The tobacco industry engages different sectors in its CSR activities to whitewash its business and disassociate its corporate image from the many harms caused by the products it manufactures and sells. Ultimately, it aims to circumvent bans on tobacco advertisements and promotions and gain public acceptance (normalization) and political leverage."

BENEFITS TO THE TOBACCO INDUSTRY

The tobacco industry's business portfolio is still highly valued for its perceived contributions to economic growth. Consequently, this earns the industry privileges or incentives from governments to expand its business further. Except for **Brunei**, the tobacco industry continues to enjoy these benefits from governments across Asia (Figure 4).

Carving out tobacco industry exemptions

A serious consequence of the preferential treatment to the industry is political accommodation to influence policies. Pro-industry policies not only impact finance and trade but, more importantly, have adverse effects on public health. To illustrate, most governments have imposed lockdowns limiting movement in the economy to only essential goods and services to mitigate the spread of COVID-19. However, in **Bangladesh**, BAT and JTI received special permission from the Ministry of Industries (MOI) to continue purchasing tobacco leaf, manufacturing, and distributing finished goods while the country was under a nationwide lockdown.^{41,42} Although the Ministry of Health and Family Welfare requested to withdraw such permission, which connotes tobacco and tobacco products as essential commodities, the MOI turned down the request.⁴³

Philippines also classified tobacco as non-essential and restricted its transport and delivery in areas under lockdown in March 2020. By April 2020, the finance department announced that lifting the transport restriction on tax-paid cigarettes is "under consideration because the absence encourages illicit trade."⁴⁴ The government eventually lifted the restrictions and announced that the tobacco industry could fully operate in areas under general community quarantine.⁴⁵

Governments deferring or postponing tobacco control measures

Broadly, the tobacco industry benefits from weakened tobacco control measures and extended timelines to implement these measures.

Despite time-bound obligations under the FCTC, **China** still has no national-level smoke-free policy (Article 8), and health warnings on tobacco product packaging (Article 11) remain text-only.

Japan has not progressed much and still maintains text-only warnings on tobacco product packaging, no penalties for smoking in non-smoking areas, no bans on tobacco advertising and promotions (Article 13), and only increasing tobacco taxes periodically (Article 6). **Japan's** Health Promotion Law, revised in 2018, took effect in April 2020, giving a lengthened implementation period of 22 months.

In **Korea**, there are no policies to restrict displays of tobacco products at points-of-sale and tobacco sponsorships.

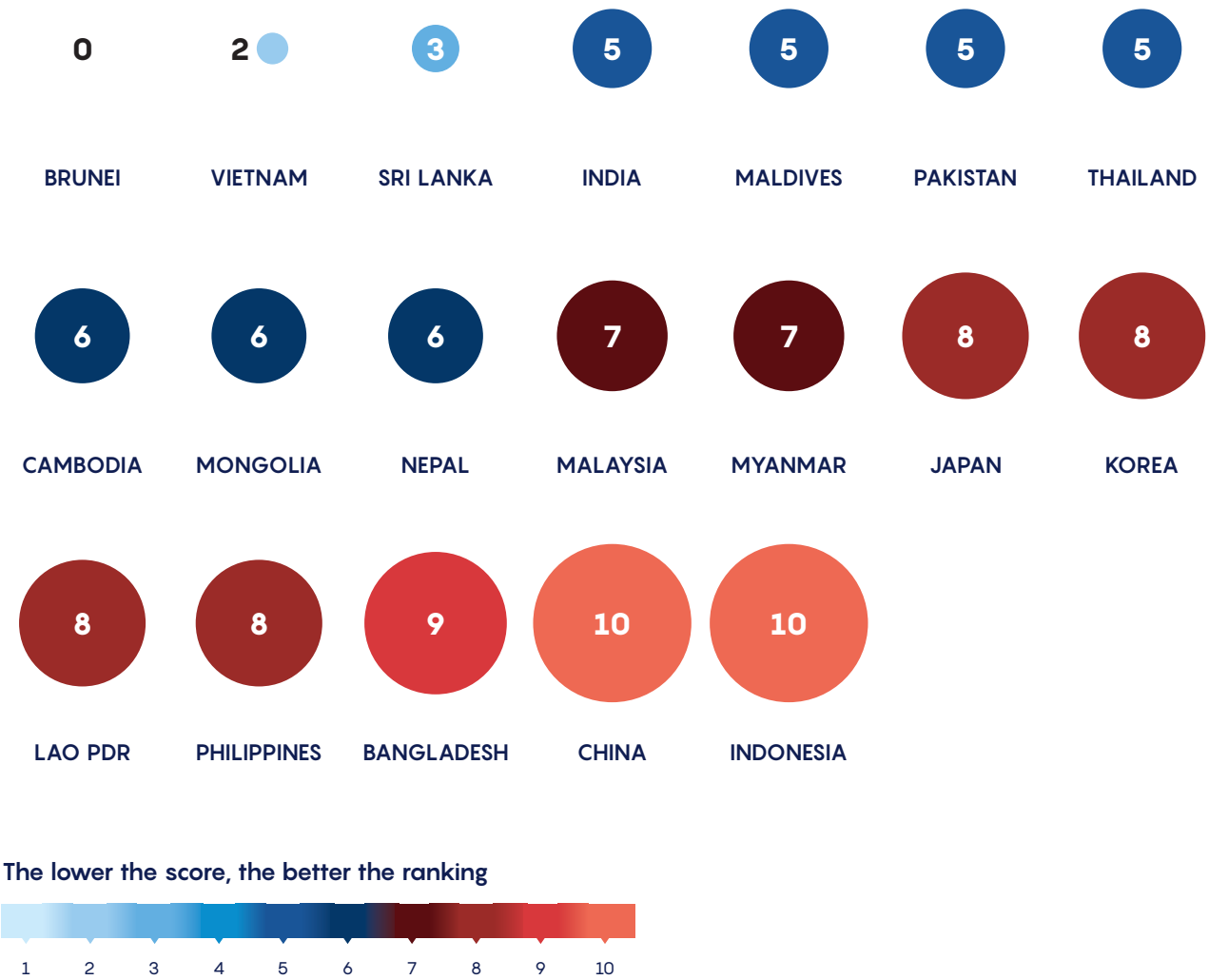
In **Indonesia**, the government announced an average excise hike of 12.5% for tobacco products effective in 2021, but excluded hand-rolled *kreteks*.⁴⁶ By April 2020, the government eased the payment scheme by extending the payment deadline from 60 to 90 days, and the time limit for withdrawing tobacco products with old excise stamps in the market, by 60 days.⁴⁷ Eventually, the effective date of the tax increase was also moved from January to February 2021, which allowed the industry to sell at old market prices, deprived the government of additional revenues, and sustained rather than discouraged tobacco use.⁴⁸

In **Thailand**, the effectivity date of the ineffective two-tier tax rate was also extended for another year,⁴⁹ while in **India, Korea, Malaysia, and Nepal**, there is no tax increase to take effect in 2021.

In **Cambodia**, the adoption of the Joint Prakas to implement the penalties (fines) under the Tobacco Control Law has not progressed. At the same time, the rotation of the pictorial health warning set in August 2020 was also postponed by a year.⁵⁰

Likewise, the implementation of **Sri Lanka's** standardized packaging on tobacco products is also delayed along with the proposed ban on the sale of single stick cigarettes.⁵¹

FIGURE 4: BENEFITS TO THE TOBACCO INDUSTRY



Tax breaks, incentives, and trade boosts

The tobacco industry also benefitted from tax breaks and exemptions in 2020. For example, ITC was exempted from corporate income tax in **India** for contributing USD 1.5 billion to the government's relief fund (PM Cares Fund).⁵² As in previous years, **Myanmar's** Union Tax Law of 2020 exempts cheroots, cigars, and raw tobacco from tax payments if annual production costs do not exceed MMK 20 million (USD 14,700),⁵³ and **Thailand** still applies tax exemptions for native tobacco leaves (up to 1 kilogram) used for non-industrialized purposes.⁵⁴

The 25-year (2001-2026) Investment License Agreement (ILA) between the government and Imperial Tobacco, which created the LTL joint venture, provides excise tax ceilings for LTL products and is a crucial barrier for the government to increase tobacco taxes in **Lao PDR**.⁵⁵

In **Japan**, where cigarette tax rates are already low, HTPs are taxed significantly lower. This is the same in the **Philippines**, where the law amending the internal revenue code increased the excise tax on ESDs,⁵⁶ but at rates that are still substantially lower than rates imposed on cigarettes, aligning with the tobacco industry's agenda. Consequently, PMI started the sale of its IQOS HTP in Manila.⁵⁷

The bilateral agreement between **Cambodia** and **Vietnam** that grants duty-free exemptions for dried tobacco leaves (up to 3,000 tons per year) imported from Cambodia into Vietnam was still in effect in 2020.

Only **Brunei** and **Sri Lanka** do not permit duty-free allowances of tobacco products for international travelers. Table 2 summarizes the quantities allowed in the rest of the countries.⁵⁸

The industry also enjoys continued protection and direct government support for development. In **India**, the government initiated several agricultural research projects to enhance tobacco productivity.⁵⁹ Similar support is also accorded to the state-owned tobacco business in **China**, **Japan**, and **Vietnam** since the government's share/ownership incentivizes the government to protect the industry's profits.

In **Korea**, tobacco producer associations receive subsidies for facilities and equipment from the government,⁶⁰ while tobacco-growing provinces in the **Philippines** also get preferential shares from excise tax revenues.⁶¹

Table 2: Duty-free allowance for international travelers

India	100 cigarettes or 25 cigars or 125 grams of tobacco
Bangladesh	200 cigarettes or 50 cigars or 225 grams of tobacco
Cambodia	200 cigarettes or 50 cigars or 250 grams of chopped tobacco
Indonesia	200 cigarettes or 25 cigars or 100 grams of rolling tobacco
Korea	200 cigarettes or 50 cigars or 20 milligrams of e-cigarettes or 250 grams of other tobacco products
Lao PDR	200 cigarettes or 50 cigars or 250 grams of tobacco
Malaysia	200 cigarettes or 225 grams of other tobacco products
Maldives	200 cigarettes or 25 cigars or 250 grams of tobacco
Pakistan	200 cigarettes or 50 cigars or 500 grams of tobacco
Thailand	200 cigarettes or 500 grams of other tobacco products
Vietnam	200 cigarettes or 20 cigars or 250 grams of shredded tobacco
Mongolia	200 cigarettes or 50 cigars or 250 grams of tobacco
Nepal	250 cigarettes or 50 cigars or 250 grams of tobacco
China	400 cigarettes or 100 cigars or 250 grams of smoking tobacco
Japan	400 cigarettes, 100 cigars, 20 packages of HTPs, or 50 grams of other kinds of tobacco or a combination
Myanmar	400 cigarettes or 50 cigars or 250 grams of pipe tobacco
Philippines	400 cigarettes or 50 cigars or 250 grams of pipe tobacco

FORMS OF UNNECESSARY INTERACTION

As defined by Article 5.3 guidelines, unnecessary interactions with the tobacco industry occur when government officials attend social functions sponsored by the industry or when the government enters into a partnership with them. All countries, except **Brunei** and **Mongolia**, recorded such interactions in 2020 (Figure 5).

No social distancing with the industry

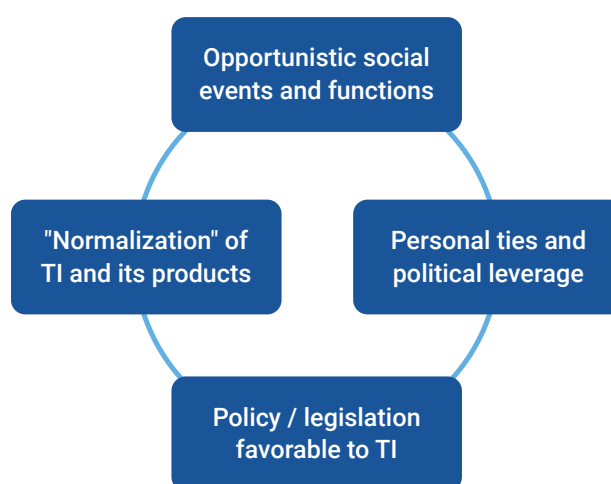
Not even the pandemic prevented some high-level government officials from interacting unnecessarily with the tobacco industry. For example, while most physical gatherings were restricted, PMI met with the President of **Indonesia** to discuss investments on HTPs,⁶² and in **Cambodia**, JTI had a courtesy call with the Minister of Women's Affairs.⁶³ In the **Philippines**, the Chair of the Philippine Red Cross, also an incumbent senator, met with the LT Group, subsidiary owner of PMFTC, to receive the donation of a bio-molecular laboratory.⁶⁴

National and local events covering different aspects of the tobacco business were also organized by the industry and attended by provincial and high-level state officials in **China**⁶⁵ and **Vietnam**.⁶⁶

The US-ASEAN Business Council (US-ABC), which lists PMI as a Board Member,⁶⁷ continues to be a medium for the industry to meet with government officials. In its annual business mission to **Thailand** to promote corporate portfolios, including PMI, US-ABC held discussions with the Prime Minister and other key officials, such as the Deputy Prime Minister and ministers of public health and finance.⁶⁸ US-ABC also met virtually with **Malaysian** government officials, including the Minister of Finance and the Minister at the Prime Minister's Office.⁶⁹

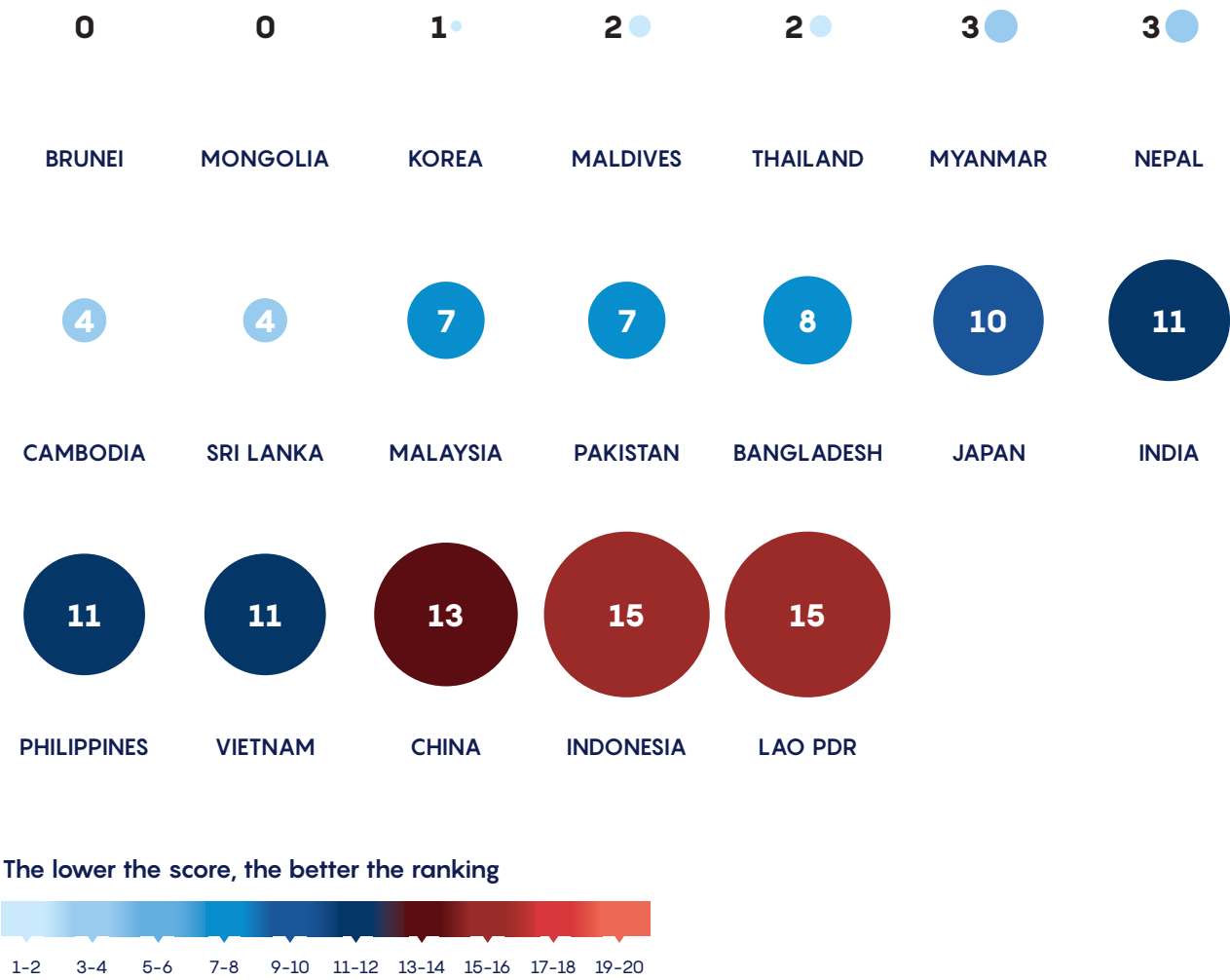
In **Pakistan**, two Special Assistants to the Prime Minister, equivalent in rank to Federal Minister, officiated the "Made in Pakistan" export initiative organized by Pakistan Tobacco Company, a subsidiary of BAT. VELO, BAT's oral nicotine pouch product, was also launched during the event.⁷⁰

Diagram 1: Unnecessary interactions normalize TI and its products



While seemingly harmless, social events and functions provide a gateway for the tobacco industry to access high-level government officials, establish personal ties, and gain political leverage to lobby for favorable policies beneficial to the industry. By attending these events, government officials give the impression of officially endorsing the tobacco industry's position, which normalizes the industry and its products.

FIGURE 5: FORMS OF UNNECESSARY INTERACTIONS



Illicit trade – a recurring point of collaboration

Combating illicit trade remains an area where many governments work side-by-side with the tobacco industry. State-owned tobacco enterprises in **China, Japan, and Vietnam** are mandated by law to assist the government in this area. In **Lao PDR**, aside from the ILA agreement, a memorandum of understanding between the tobacco industry and the government allows assistance and incentives for anti-smuggling enforcement.⁷¹

Among the 19 countries, **India, Mongolia, Pakistan, and Sri Lanka** have ratified the Protocol to Eliminate Illicit Trade in Tobacco Products.⁷² Despite **India** being a party to the Protocol, the state governments, senior officials, and police still join trainings organized by FICCI CASCADE, a lobbying body headed by ITC's Head of Corporate Affairs.⁷³

In **Myanmar**, the government coordinates with the Anti-Illicit Trade Group, which has partnered with Transnational Alliance to Combat Illicit Trade

(TRACIT), a recipient of PMI-IMPACT's funding to conduct anti-smuggling projects.⁷⁴ In **Malaysia**, the MOF recently announced the creation of a Multi-Agency Task Force, which will include the National Kenaf and Tobacco Board (with JTI as a member), to strengthen enforcement of anti-illicit trade activities.⁷⁵

In **Philippines** and **Sri Lanka**, customs officials continue to engage the tobacco industry in their enforcement activities, including seizure and ceremonial destruction of counterfeit products.^{76,77}

Elevating the tobacco industry's profile through awards

Another unnecessary government interaction that benefits the industry is the granting of awards for its corporate operations and so-called CSR activities (Table 3). Government officials and institutions that provide these awards are perceived as endorsing these companies and help elevate the industry's profile, making de-normalizing the industry and its harmful products even more challenging.

Table 3: Tobacco companies receive awards from governments

	Award category	Government body
BAT Bangladesh	President's Award for Industrial Development ⁷⁸	Ministry of Industry
	Highest income tax-paying company ⁷⁹	National Board of Revenue
Japan Tobacco	Excellent Health Management Corporation White 500 Award ⁸⁰	Ministry of Economy, Trade, Industry and Japan Health Council
KT&G Korea	Prime Minister Prize ⁸¹ (Family-friendly company)	Ministry of Gender Equality and Family
	Presidential Prize ⁸² (Contribution to law and order)	Ministry of Justice
BAT Malaysia	Life at Work Award ⁸³ (Best International Organization and Outstanding Practice)	Ministry of Human Resources, in collaboration with the Ministry of Women, Family and Community Development
PMPTC Philippines	Stakeholder's Award ⁸⁴ (for Embrace Program)	Armed Forces of the Philippines
	Kapayapaan (Peace) Award ⁸⁵ (for Embrace Program)	

TRANSPARENCY

The Article 5.3 guidelines call for government transparency in dealing with the tobacco industry and transparency of the industry's operations itself. Across Asia, the issue of transparency as a whole-of-government approach remains politically complex even within many open democracies. Nearly all countries (except **Brunei** and **Philippines**) do not publicly disclose government interactions with the tobacco industry (Figure 6).

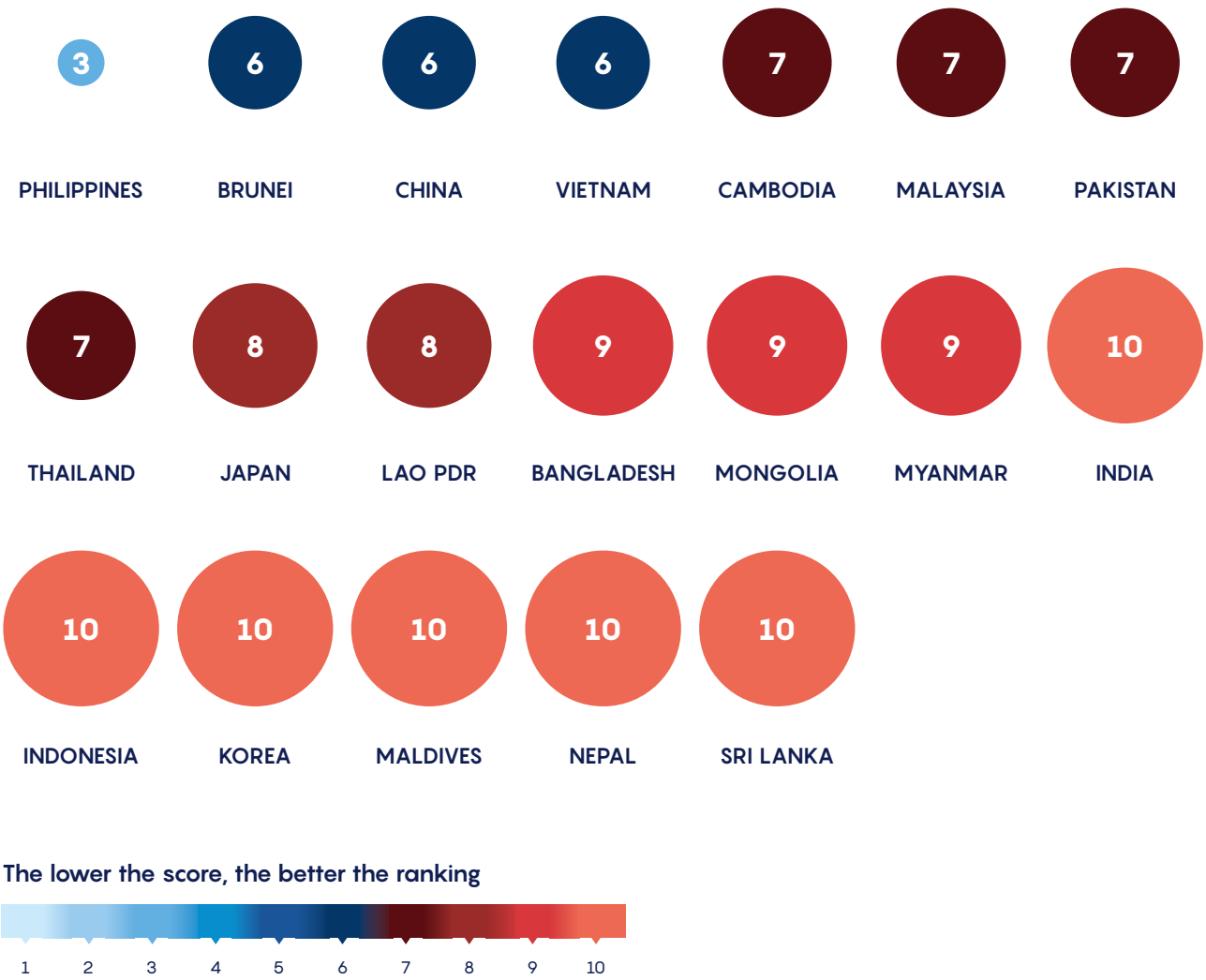
In **China**, meetings between STMA and other government departments that are part of their administrative functions are openly reported.⁸⁶ In **Vietnam**, while government personnel and high-level officials openly interact with the tobacco industry, the details of these interactions are not accessible to the public.⁸⁷

In all countries, domestic laws require the tobacco industry to register particular aspects of its business operations (corporate structure and entity, production, or trading) to operate legally. However, the bidi and smokeless tobacco sectors in **India** remain largely unregistered.⁸⁸ **None of the 19 countries** have a policy that compels the tobacco industry to publicly disclose its affiliates, including lawyers, consultants, and lobbyists.



Transparency and accountability are fundamental to address bureaucratic failures, including corruption. These elements often overlap with the level of freedom of information (FOI) or the right to access information. Most Asian countries have limited or underutilized FOI regimes, which make accessing specific information about and from the government generally difficult.”

FIGURE 6: TRANSPARENCY



CONFLICTS OF INTEREST

A conflict of interest situation occurs when an individual's or institutional's vested interests raise a question of whether their actions, judgment, and/or decision-making can be unbiased. The Article 5.3 guidelines list payments, gifts and services, monetary or in-kind, and research funding offered by the tobacco industry to government institutions, officials, or employees as potential sources of this situation. Figure 7 shows that conflicts of interest continue to take place in nearly all countries in Asia.

The tobacco industry is masterful at operating away from the public eye and exerting its influence with stealth. One way the tobacco industry does this is through a patronage system – providing monetary contributions in anticipation of political leverage and support. In the **Philippines**, revisions to the corporations law lifted the prohibition on domestic corporations giving donations for political activity;⁸⁹

moreover, the Election Code allows individuals, including industry representatives, to contribute to candidates, political parties, and their election campaigns. In **Mongolia** and **Thailand**, the tobacco industry can also give donations of this type but within set monetary limits. **The other countries** do not have an existing policy or law to ban this type of contribution and prevent potential conflicts of interest.^{xi}

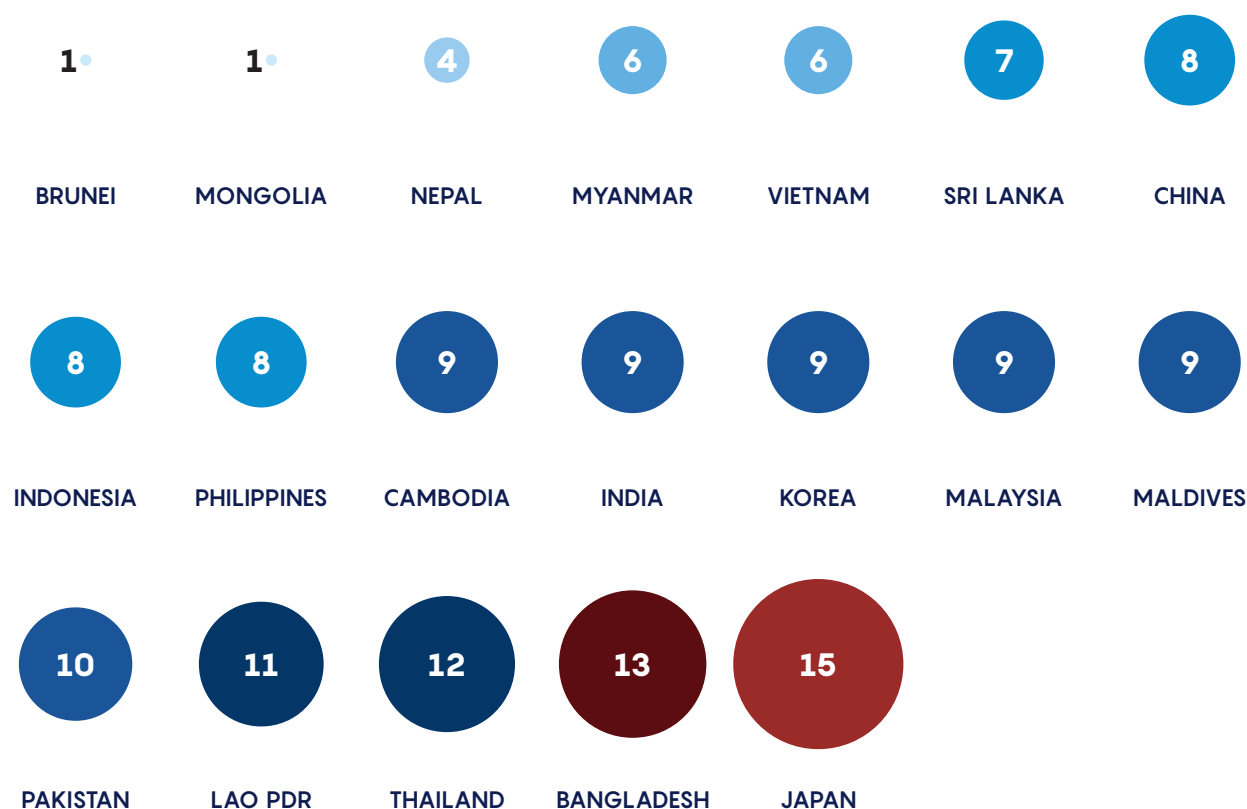
Conflict of interest can also happen when government funds are invested in the tobacco industry (in addition to state-owned enterprises), and the government is expected to ensure its investments produce profits (Table 4). In **Bangladesh**, the President owns 0.64% shares in BAT Bangladesh. In **India** and **Malaysia**, some public financial entities such as the social security system or investment corporations are also shareholders in tobacco companies, benefiting from the industry's market growth at the expense of public health.

Table 4: Public investments in the tobacco business

Public entity	% shares in tobacco companies	Tobacco company
Government of the People's Republic of Bangladesh (President and Investment Corporation of Bangladesh)	9.9% combined total shares	BAT Bangladesh ⁹⁰
Multiple Indian public sector insurance companies	20.5% combined total shares	India Tobacco Company ⁹¹
Multiple Indian nationalized banks and other banks	0.10% combined total shares	VST Industries Limited ⁹²
Malaysia Employees Provident Fund	5% total shares	BAT Malaysia ⁹³

^{xi} Brunei and Maldives do not have a domestic tobacco manufacturing sector; political campaigns do not take place in China, Lao PDR and Vietnam with their unitary/single party government and political systems.

FIGURE 7: CONFLICTS OF INTEREST



The lower the score, the better the ranking



Another way the industry influences public policy is through a revolving door where politicians or civil servants take up tobacco industry jobs in the area of their former public service or where tobacco industry professionals accept government positions that regulate the industry they were once a part of.⁹⁴ For example, in **Japan**, the practice of “*amakudari*,” where former civil servants get comfortable, well-paid jobs in fields related to their ministries, allows officials from the finance ministry to move freely and reach top leadership positions in the tobacco industry.

There is growing evidence that revolving doors are becoming common, undermining trust in governments because of the potential for real or perceived conflicts of interests regarding matters of the state.⁹⁵ In 2020, government officials from **Bangladesh, Cambodia, Japan, Korea, Myanmar, and Nepal** joined the tobacco industry upon retirement. Government officials who joined the industry in previous years are still connected in the same capacities, with new evidence from **India, Indonesia, Pakistan, and Philippines**. Senior government officials in **Vietnam** who are seconded in **Vinataba** were even promoted (Table 5).

Table 5: Revolving doors in Asia

	Retired government officials who joined the tobacco industry	Incumbent government officials holding positions in the tobacco business
Bangladesh	Secretary, Ministry of Industries » Director, BAT Bangladesh ⁹⁶	Managing Director, Investment Corporation of Bangladesh » Non-executive Director BAT Bangladesh ⁹⁷ Secretary, Ministry of Industries Additional Secretary » Non-executive Directors, BAT Bangladesh ⁹⁸ Director, Central Bank of Bangladesh » Independent Director, BAT Bangladesh ⁹⁹
Cambodia		Senator » Chairperson, Anco Group of Companies ¹⁰⁰ Senator » President of LYP group (distributor of cigarettes) ¹⁰¹
China		STMA = CNTC
India	Ambassador to the US and Sri Lanka » Independent Director, India Tobacco Company ¹⁰² Ambassador to the US and Germany » Independent Director, India Tobacco Company ¹⁰³ Several senior government officials » Board Members, India Tobacco Company ¹⁰⁴	
Indonesia	Director-General for Customs and Excise, Ministry of Finance » Independent Commissioner, Sampoerna ¹⁰⁵ Deputy Executive Chair, National Board for Technology, Information, and Telecommunications » Supervisory Board, Sampoerna Foundation ¹⁰⁶	
Japan	Ambassador and Senior Official, Ministry of Foreign Affairs » Independent Director, JT Group ¹⁰⁷ Several senior government officials » Top leadership positions in JT Group	Minister of Finance » Principal shareholder (37.6%) of JT Officials under Financial Bureau » Represent JT
Korea	Busan Chief Prosecutor » Auditor and Non-executive Director, KT&G ¹⁰⁸	

	Retired government officials who joined the tobacco industry	Incumbent government officials holding positions in the tobacco business
Lao PDR	Vice Minister of Industry and Commerce » Chair of Lao Tobacco Ltd. Board ^{xii}	Ministry of Finance and Ministry of Industry and Commerce officials » Members of Tobacco Industry Joint Venture Board of Management
Malaysia	Secretary-General of Ministry of Home Affairs » Chair of BAT Malaysia ¹⁰⁹	
Myanmar	Official, International Organizations and Economic Department, Ministry of Foreign Affairs » External Affairs Manager, BAT Myanmar ¹¹⁰	
Nepal	Undersecretary, Ministry of Finance » Gorkha Tobacco Company	
Pakistan	Director and Chairman of Audit Committee » Chair, Pakistan Tobacco Company ¹¹¹ Director-General Social Sector, Prime Minister's Secretariat; Director-General of Customs; Ambassador to Mexico (with the rank of Lt. General in the Armed Forces) » Independent Directors, Pakistan Tobacco Company	
Philippines	Undersecretary, Department of Finance » Independent Director, LT Group ¹¹² Supreme Court Chief Justice; Central Bank Governor » Board of Trustees, Tan Yan Kee Foundation Inc., the CSR arm of LT Group ¹¹³	
Thailand	Royal Thai Police General » Tobacco Authority of Thailand Board ¹¹⁴	CEO of TOAT is considered a government official.
Vietnam		Deputy Director, Ministry of Industry and Trade » General Director, Vinataba ¹¹⁵ Vice Director, Ministry of Industry and Trade » Party Secretary, Vinataba ¹¹⁶

^{xii} Appointment for confirmation.

PREVENTIVE MEASURES

The Article 5.3. guidelines provide recommendations to protect against interference by the tobacco industry and entities working on its behalf. To do this, governments need information about the industry's activities and practices to ensure the industry operates in a transparent and accountable manner. In addition, a code of conduct for the bureaucracy that prescribes a set of standards for their interactions with the tobacco industry and its representatives is required. Figure 8 shows there is still significant room to improve actions by Asian governments.

Procedure for disclosing records of interaction with the tobacco industry

Brunei, China, India (national and state levels), **Maldives, Pakistan, Philippines, Sri Lanka**, and **Thailand** have policies for disclosing records of interactions with the tobacco industry and its representatives, while a draft is underway in **Nepal**.¹¹⁷ Despite these policies, many governments do not disclose or make information from these interactions accessible to the public.

Code of conduct for interaction with the tobacco industry

Brunei,¹¹⁸ **Philippines**,¹¹⁹ and **Thailand**¹²⁰ have existing policies applicable to all government officials and employees, prohibiting unnecessary interactions with the tobacco industry or its representatives, requiring transparency in any necessary (regulatory) interaction with the tobacco industry, and rejecting partnerships with and financial support from the tobacco industry. In August 2020, **Myanmar**'s Ministry of Public Health and Sports issued guidelines requiring a code of conduct that prohibits government staff and officials from meeting with the tobacco representative without written permission from the Permanent Secretary.¹²¹

In July 2020, **India**'s Ministry of Health and Family Welfare adopted a code of conduct restricting the collaboration of health ministry officials and staff with the tobacco industry.¹²² In **Indonesia**¹²³ and **Lao PDR**,¹²⁴ the health ministries also have a code that applies within the respective MOH jurisdictions. Being limited in scope, other ministries that are friendly to and have close ties with the industry in Indonesia, or those involved under the ILA in Lao PDR, continue to foster such relationships without restrictions.

Codes of conduct in **Bangladesh**,¹²⁵ **Malaysia**,¹²⁶ **Maldives**,¹²⁷ **Pakistan**,¹²⁸ and **Sri Lanka**¹²⁹ are at different stages of development and approval.

Periodic submission of tobacco industry information

All countries require the tobacco industry, as with all other legitimate industries, to register certain aspects of its business (structure, production, revenues) to operate. Except for **Pakistan**,^{xiii} none have yet required the tobacco industry to provide information on lobbying, philanthropy, and political contributions.¹³⁰

Systematic program to raise awareness on Article 5.3

Brunei, Cambodia, India, Malaysia, Maldives, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka, and **Thailand** have some platforms to raise awareness on Article 5.3. However, these programs are primarily confined within the ministries of health and/or spearheaded by civil society partners. These programs are not yet institutionalized, infrequently conducted, and often have limited resources.

An awareness-raising program or communication plan on Article 5.3 does not exist in **Bangladesh, China, Japan, Korea, Lao PDR, Myanmar**, and **Vietnam**. As a non-Party, **Indonesia** does not have a program on Article 5.3 and, more broadly, the FCTC.

Policy to prevent contributions from the tobacco industry

All countries have an anti-corruption legal framework, which can include clauses on acceptance of all forms of contributions from the tobacco industry, monetary or otherwise. Many countries also have ethical codes of conduct for government employees and officials that governments can update specifically to include measures to prevent conflicts of interest with the tobacco industry, unnecessary interactions between the industry and government employees, and the receipt of money or gifts from the tobacco industry.¹³¹

Eleven countries in Asia (**Brunei, Cambodia, India, Indonesia, Lao PDR, Mongolia, Myanmar, Pakistan, Philippines, Thailand, and Vietnam**) have put in place policy measures to protect the bureaucracy from tobacco industry interference (Table 6).

Mongolia's Tobacco Control Law is explicit in forbidding tobacco industry gift-giving to any government entity.¹³² In **Cambodia**, the Ministry of Youth and Sports issued a circular to introduce tobacco-free policies in educational facilities and banned any sponsorship or collaboration with the tobacco industry.¹³³

In 2020, **Philippines'** Department of Health issued several memos and guidelines emphasizing the need for public health policies and endeavors to be free from tobacco industry interference, especially during the COVID-19 pandemic when partnerships and donations are pouring in from all sectors. These also reiterate the CSC-DOH Joint Memorandum Circular's particular provisions on unnecessary interactions, receiving donations or gifts, and endorsing industry-sponsored CSR activities.



Article 5.3 is an obligation of the whole of government and not just of ministries of health, and addressing tobacco industry interference in the whole of government is essential for stepping up tobacco control efforts to protect public health. An industry that kills more than eight million people a year is not a stakeholder in public health."

- SEATCA statement at the Ninth Session of the Conference of Parties to the WHO FCTC (COP9)

FIGURE 8: PREVENTIVE MEASURES

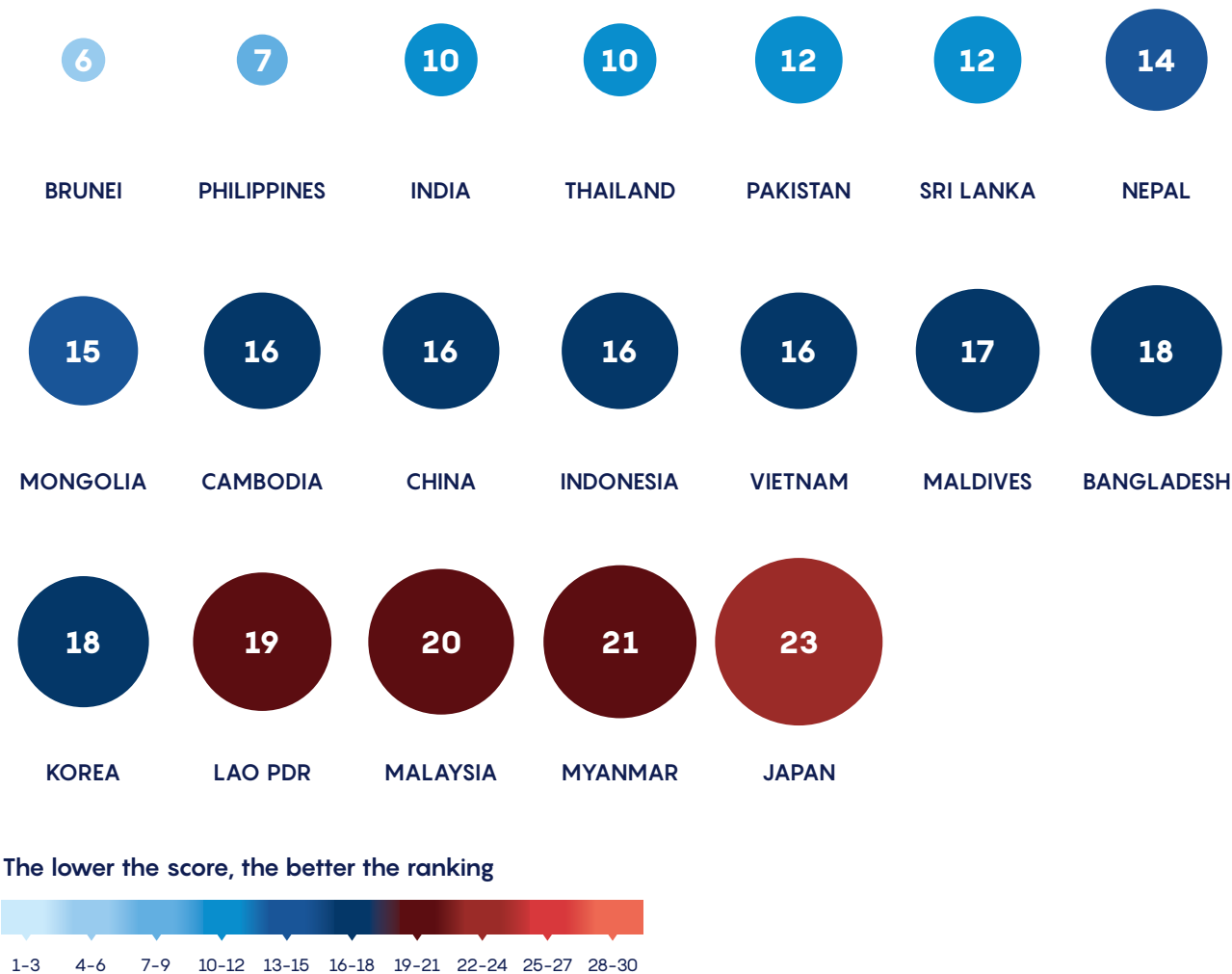


Table 6: Preventive measures for tobacco control in Asia

	Preventive measures limited to issuing authority / jurisdictions	Preventive measures that apply to the whole bureaucracy
Brunei		Prime Minister Circular (code of conduct) – Prohibition of involvement of the tobacco industry and smoking in government premises
Cambodia	Ministry of Education, Youth, and Sports ordinance banning CSR activities	
India	<ul style="list-style-type: none"> » Ministry of Health and Family Welfare Code of Conduct for Public Officials in Compliance to Article 5.3 of WHO FCTC » Article 5.3 State Notifications (sub-national level) » Code of Conduct (State of Bihar and Jharkhand) 	
Indonesia	Ministry of Health Guidelines for Managing Conflicts of Interest with the Tobacco Industry within the Health Ministry	
Lao PDR	Ministry of Health Tobacco Control Code of Conduct between Government Health Sector and Tobacco Industry	
Mongolia		Tobacco Control Law
Myanmar	Ministry of Health and Sports Directive No. 91/2020: Directive to Comply with Guidelines on Contact with Cigar and Tobacco Product Manufacturer, Distributor, Seller, or Related Person	
Pakistan		National Action Plan on Tobacco Industry Interference
Philippines	<ul style="list-style-type: none"> » Department of Health (DOH) Memo No. 2020-0156 -reiterates JMC and reminds that no donations or assistance from the tobacco industry must be accepted; » DOH Admin Order 2021-0022 Guidelines on the Facilitation and Management of Donations to the Health Sector During the Covid-19 Pandemic; » Department of Education (Order No. 6, (2012) Guidelines against tobacco industry interference; » Department of Labor and Employment Memo (2012) – reiterates the JMC; » Bureau of Internal Revenue Memo No. 16 (2012) - restricts interactions with the tobacco industry; » Department of Foreign Affairs Memo (24 May 2013) – directs compliance with the JMC; » Metro Manila Development Authority Memo (2013) – amends the Code of Conduct to include protection against tobacco industry interference; » Department of Social Welfare and Administrative Order No. 11-2019 - guidelines against tobacco industry interference » Food and Drug Administration Advisory No. 2019-501 - reminds public physicians to follow the JMC and avoid interaction with the tobacco and e-cigarette industry 	Civil Service Commission-Department of Health Joint Memorandum Circular (JMC) 2010-01
Thailand	Ministry of Public Health Guidelines on Interaction with Tobacco Entrepreneurs and Related Persons	Office of Civil Service Commission Regulation
Vietnam		Ministry of Health Official Letter to other ministries on noncooperation with Smoke-free World Foundation funded by PMI

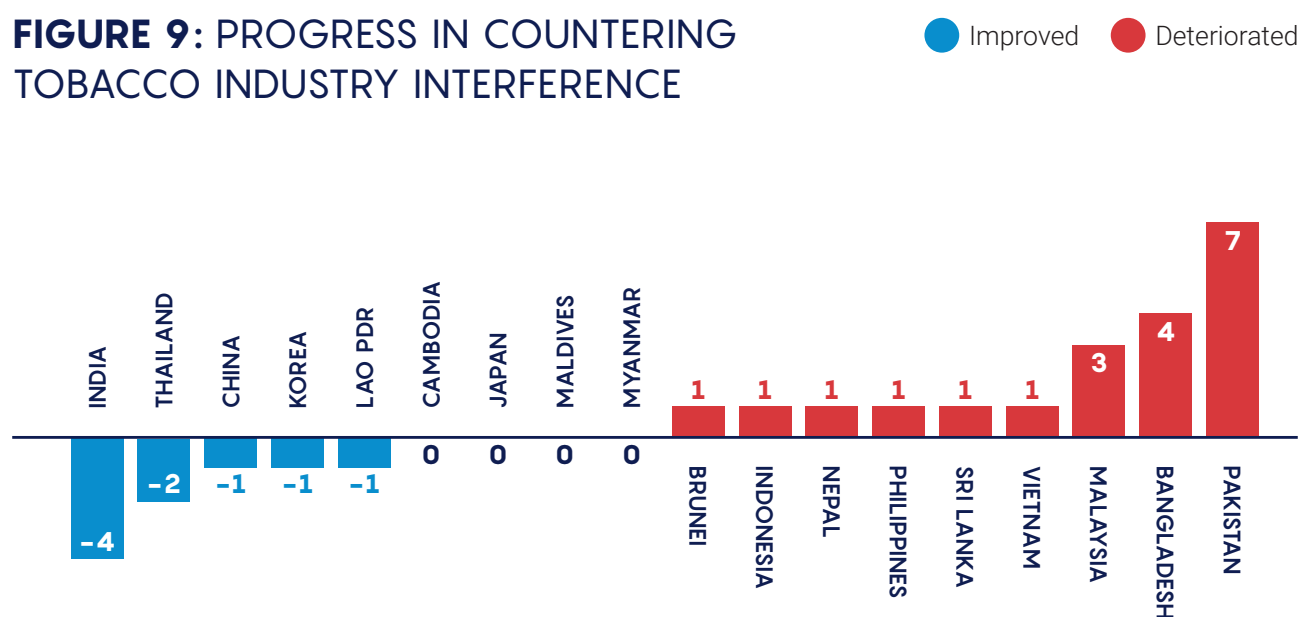
CONCLUSION AND RECOMMENDATIONS

In comparison with their 2020 scores, five (5) countries marginally improved, four (4) remained unchanged, while nine (9) countries showed deterioration in their 2021 rankings (Figure 9). Two factors are likely to have influenced these outcomes: (1) the tobacco industry's unrelenting and more aggressive tactics, taking advantage of government vulnerability during the COVID-19 pandemic, and (2) increasing public awareness and civil society's capacity to monitor and de-normalize the industry's activities.

A whole-of-government approach is fundamental to counter tobacco industry interference effectively. Both health and non-health ministries and sectors remain largely vulnerable to tobacco industry interference, especially in the context of

the COVID-19 pandemic. All governments must strengthen their efforts to implement Article 5.3, as it is pivotal to successful tobacco control and improved health outcomes.

FIGURE 9: PROGRESS IN COUNTERING TOBACCO INDUSTRY INTERFERENCE



Recommendations in the WHO FCTC Article 5.3 guidelines provide clear measures that governments can implement to protect themselves from industry interference and corruption.

- » Article 5.3 recognizes the irreconcilable conflict between tobacco industry interests and public health policy. **Governments must exclude the tobacco industry as a stakeholder at any level or stage of public policy development.**
- » The tobacco industry uses CSR activities and other public relations strategies to whitewash and normalize its business and gain public approval and favors from policymakers. **Tobacco-sponsored CSR activities are fake CSR, and governments must ban these in all circumstances.**
- » Waiver of duties for trade facilitation and earmarking development subsidies and incentives for the tobacco industry are prejudicial to public and fiscal health. These divert government resources for services, such as health emergency responses, to an industry that causes socio-economic ills. **Governments must revoke preferential treatment to the tobacco industry.** More importantly, the **industry should be held accountable for non-compliance with tobacco control measures.**
- » Government interactions with the tobacco industry should occur only when and to the extent strictly necessary to regulate the industry and its products. **Governments must reject any partnership with the tobacco industry, including combating the problem of illicit tobacco trade.**
- » Government transparency and accountability remain a systemic challenge. These institutional issues are linked with weak bureaucratic frameworks, poor governance, and corruption. **Governments must establish and enforce government-wide procedures to record and disclose interactions with and information about the tobacco industry.**
- » Government investments in the tobacco industry are common in Asia. These create actual and potential conflicts of interests in the adoption of tobacco control measures. **Governments must divest from the tobacco industry and treat state-owned tobacco enterprises the same as private tobacco businesses.**
- » Governments need to update existing legal frameworks and **strictly enforce a code of conduct compliant with Article 5.3 guidelines and principles of anti-corruption.** Codes of conduct should be supported with a systematic Article 5.3 awareness-raising program to guide and protect all public sector professionals from undue industry influence and interference.

Annex 1: Tobacco Industry Interference in Asian Countries

INDICATORS	BGD	BRN	KHM	CHN	IND	IDN	JPN	KOR	LAO	MYS	MDV	MNG	MMR	NPL	PAK	PHL	LKA	THA	VNM
Level of participation in policy development																			
The government accepts, supports or endorses offer for assistance by or in collaboration with the tobacco industry in implementing tobacco control policies (Rec 3.1)	5	0	1	5	1	5	4	1	5	3	1	1	1	1	1	5	1	0	4
The government accepts, supports or endorses legislation drafted by/ collaboration with the tobacco industry (Rec 3.4)	3	0	1	3	0	5	5	1	4	3	0	2	2	1	1	5	2	0	3
The government allows the tobacco industry to sit in multi-sectoral committee/ advisory group that sets public health policy (Rec 4.8)	1	1	1	5	5	5	5	1	1	5	3	1	0	1	1	5	0	0	3
The government allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or subsidiary bodies or accepts their sponsorship for delegates. (Rec 4.9 & 8.3)	1	1	1	5	1	0	5	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal	10	2	4	18	7	15	19	4	11	12	5	5	4	4	4	16	4	1	11
Tobacco related CSR activities																			
The government receives contributions from the tobacco industry (including so-called CSR contributions) (Rec 6.4)	5	0	3	5	5	5	5	5	0	4	0	2	4	3	3	5	5	4	5
The government agencies/officials endorses, forms partnerships with/ participates in tobacco industry CSR activities (Rec 6.2)																			
Subtotal	5	0	3	5	5	5	5	5	0	4	0	2	4	3	3	5	5	4	5
Benefits to the tobacco industry																			
The government accommodates requests from the industry for longer implementation time or postponement of tobacco control law (Rec 7.1)	4	0	2	5	0	5	3	5	3	5	2	1	4	4	3	3	3	3	0
The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)	5	0	4	5	5	5	5	3	5	2	3	5	3	2	2	5	0	2	2
Subtotal	9	0	6	10	5	10	8	8	8	7	5	6	7	6	5	8	3	5	2
Forms of unnecessary interaction																			
Top-level government officials meet with/ foster relations with the tobacco companies such as attending social functions and events sponsored or organized by the tobacco companies (Rec 2.1)	5	0	4	4	3	5	3	1	5	5	0	0	0	2	5	4	1	2	5
The government accepts assistance/ offers of assistance from the tobacco industry on enforcement (Rec 3.1 & 4.3)	0	0	0	5	4	5	3	0	5	2	1	0	0	0	2	4	3	0	5
The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry (Rec 3.1)	3	0	0	4	4	5	4	0	5	0	1	0	3	1	0	3	0	0	1
Subtotal	8	0	4	13	11	15	10	1	15	7	2	0	3	3	7	11	4	2	11

INDICATORS	BGD	BRN	KHM	CHN	IND	IDN	JPN	KOR	LAO	MYS	MDV	MNG	MMR	NPL	PAK	PHL	LKA	THA	VNM
Transparency																			
The government does not publicly disclose meetings/ interactions with the tobacco industry where such interactions are strictly necessary for regulation (Rec 2.2)	4	1	2	3	5	5	3	5	4	2	5	4	4	5	3	0	5	3	1
The government requires rules for the disclosure or registration of tobacco industry entities, affiliate organizations, and individuals acting on their behalf including lobbyists.	5	5	5	3	5	5	5	5	4	5	5	5	5	5	4	3	5	4	5
Subtotal	9	6	7	6	10	10	8	10	8	7	10	9	9	10	7	3	10	7	6
Conflict of interest																			
The government does not have a policy (whether or not written) to 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)	5	1	5	1	4	5	5	5	1	5	5	1	1	1	5	5	5	4	1
Retired senior officials work for the tobacco industry (Rec 4.4)	4	0	0	3	5	3	5	2	5	4	2	0	3	3	4	3	0	4	0
Current government officials and their relatives hold positions in the tobacco business including consultancy positions (Rec 4.5, 4.8 & 4.10)	4	0	4	4	0	0	5	2	5	0	2	0	2	0	1	0	2	4	5
Subtotal	13	1	9	8	9	8	15	9	11	9	9	1	6	4	10	8	7	12	6
Preventive measures																			
The government has a procedure for disclosing records of the interaction with tobacco industry and its representatives (Rec 5.1)	5	1	5	1	4	5	5	5	1	5	5	1	1	1	5	5	5	4	1
The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they should comply when dealing with the tobacco industry (Rec 4.2)	4	0	0	3	5	3	5	2	5	4	2	0	3	3	4	3	0	4	0
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, and political contributions (Rec 5.2)	4	0	4	4	0	0	5	2	5	0	2	0	2	0	1	0	2	4	5
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)	4	0	4	4	0	0	5	2	5	0	2	0	2	0	1	0	2	4	5
The government has a policy prohibiting the acceptance of all forms of contributions from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations to the government, officials and their relatives (Rec 3.4)	4	0	4	4	0	0	5	2	5	0	2	0	2	0	1	0	2	4	5
Subtotal	18	6	16	16	10	16	23	18	19	20	17	15	21	14	12	7	12	10	16
TOTAL	72	15	49	76	57	79	88	55	72	66	48	38	54	44	48	58	45	41	57

REFERENCES

1. World Health Organization. Coronavirus Dashboard. November 2021. <https://covid19.who.int/>
2. World Health Organization. Newsroom. Tobacco Key Facts. July 2021. <https://bit.ly/33r5KuW>
3. World Health Organization. WHO Statement: Tobacco use and COVID-19. May 2020. <https://bit.ly/3jzpXGC>
4. Johns Hopkins University. Coronavirus Resource Center. August 2021. <https://coronavirus.jhu.edu/map.html>
5. Eriksen, M., Mackay, J., Schluger N.W. Tobacco Consumption. The Tobacco Atlas. 5th ed. <https://bit.ly/3203OaD>
6. Campaign for Tobacco-free Kids. The Global Cigarette Industry. Factsheet. <https://bit.ly/3ardAX6>
7. Tobacco Journal International. KT&G is aiming high. February-March 2021.
8. Technavio. E-Cigarette Market by Product and Geography - Forecast and Analysis 2020-2024. <https://bit.ly/2U67PHO>
9. World Health Organization. 2018. <http://bit.ly/30jYgpm>
10. Assunta M. and Dorotheo EU. SEATCA Tobacco Industry Interference Index: a tool for measuring implementation of WHO Framework Convention on Tobacco Control Article 5.3. Tobacco Control 2016;25:313-318. <https://bit.ly/3mD37hG>
11. World Health Organization. Global progress report on implementation of the WHO Framework Convention on Tobacco Control. 2018. <http://bit.ly/30jYgpm>
12. I. Noki. Re: JTI Landmark Investment in Bangladesh and Repeated Challenges Posed Due to Policy Shifts and Anti-Competitive Activities. Letter to Finance Minister Mustafa Kamal. 19 Jan 2021. <https://bit.ly/3jLDQla>
13. 2021 Myanmar Tobacco Industry Interference Index Country Report.
14. Article 96 of Law No. 12/2011 on Establishment of Laws and Regulations. Indonesia. <https://bit.ly/3hukfSE>
15. Article 5 (4) of Law No. 39/2007 on Amendment to Law No. 11/1995 Concerning Excise. Indonesia. <https://bit.ly/32OeyuE>
16. National Kenaf and Tobacco Control Act of 2009. Malaysia. <https://bit.ly/32PdNla>
17. Republic Act No. 9211. Tobacco Regulation Act of 2003. Philippines. <https://bit.ly/2XIMzzl>
18. Healthy China Action Plan (2019-2030). <https://bit.ly/3A0yilI>
19. Ministry of Industry encourages standardization of liquid nicotine. Bisnis Indonesia. 18 Sep 2020. <https://bit.ly/3hkufQO>
20. Ministry of Science and Technology. STAMEQ works with representatives of Vinataba-Philip Morris. Vietnam. 17 May 2019. <https://bit.ly/2VMJ8AL>
21. BAT Annual Report 2020. Malaysia. <https://bit.ly/3ueb4fB>
22. Republic Act No. 11467. Philippines. <https://bit.ly/3zZtN1K>
23. House of Representatives, House Bill No. 9007. Philippines. <https://bit.ly/3npxdHr>
24. Surya Nepal provides Rs 10 million to each province to fight COVID-19. Nagarik Network. 17 Jul 2020. <https://bit.ly/3lfezPV>
25. Tobacco Authority of Thailand. TOAT made alcohol spray to help prevent the spread of Covid-19. 6 Mar 2020. <https://bit.ly/3A5Wl9A>
26. CNTC donates another 100 million yuan to help Hubei fighting the epidemic. China Tobacco. 29 Feb 2020. <https://bit.ly/3tzCrBr>
27. Yadav, A. et.al. Tobacco industry corporate social responsibility activities amid COVID-19 pandemic in India. 14 Apr 2021. <https://bit.ly/3npxdHr>
28. KT&G.com. <https://en.ktng.com/corona>
29. PMI Pakistan Annual Report 2020. <https://bit.ly/3A71u1d>
30. Private sector donates IDR 300 Billion to Fight Covid-19. Fin Indonesia Network. 26 Mar 2020. <https://bit.ly/3zlv4w>
31. Professional bodies, NGOs donate PPE for public hospitals. Bangladesh Post. 31 Mar 2020. <https://bit.ly/3znwDw8>
32. Prerona Foundation Facebook Page. Bangladesh. <https://bit.ly/3zcT07r>
33. JTI Malaysia contributes RM120,000 worth of PPE to police front liners. 21 Aug 2020. <https://bit.ly/3A0Ah0d>
34. JTI initiates to provide safe drinking water for garment workers. Bangladesh Post. 05 Dec 2020. <https://bit.ly/3yYlfWo>
35. ITC mobilises rural workforce to jet job under MGNREGA. Rural Marketing Bureau. 8 Jul 2020. <https://bit.ly/38ZhG8K>
36. Jaime V. Ongpin Foundation, Inc. Philippines. <https://bit.ly/2VDiKsO>
37. BATB Bonayan Project to plant 50 lakh saplings. Bangladesh Post. 24 Sep 2020. <https://bit.ly/3tBzErK>
38. Ganjar Visits Patiayam, Plants Trees and Leaves for Care. Muria News, Indonesia. 15 Jan 2020. <https://bit.ly/3CqFrDz>
39. Lestarian Lingkungan, Bentoel Group Tanam 6.035 Pohon. Radar. Indonesia. 15 Jan 2020. <https://bit.ly/3IARveF>
40. British American Tobacco. Environment and Social Governance Report. 2020. <https://bit.ly/3E8Vp70>
41. Ministry bashed for order over tobacco production, Call to close tobacco industries amid Covid-19 situation. Bangladesh Post. 26 April 2020. <https://bit.ly/3IFoYEB>
42. Department of Agriculture Marketing Notice. Bangladesh. 13 April 2020 <https://bit.ly/3hMalJO>
43. Health ministry requests to halt tobacco production, sales. The Business Standard, 19 May 2020. <https://bit.ly/3hMalJO>
44. Cigarette transport restrictions may ease as smuggling rampant amid COVID-19 lockdown. Inquirer. Philippines. 20 Apr 2020. <https://bit.ly/3nJmdVC>
45. LIST: Sectors Allowed Under ECQ, MECQ, GCQ. ONE News. Philippines. 13 May 2020. <https://bit.ly/3znfR0c>
46. Cigarette excise increases, Sri Mulyani targets 2021 excise deposits to reach Rp 173 trillion. Kontan. Indonesia. 10 Dec 2020. <https://bit.ly/3nLZEzr>
47. DJCB Opens opportunity to extend excise facilities, including payment delays. DDTC News. Indonesia. 12 June 2020. <https://bit.ly/3nLudW4>
48. Cigarette excise rate increases 12.5%, effective February 2021. Oke Finance. Indonesia. 10 Dec 2020. <https://bit.ly/3zmzmpU>
49. Voice Online. Smokers relieved, cabinet agreed to postpone raising the excise tax to October 2020. 7 May 2019. <https://bit.ly/2LSQZHD>
50. 2021 Cambodia Tobacco Industry Interference Index Report.
51. 2021 Sri Lanka Tobacco Industry Interference Index Report.
52. ITC sets up Rs 150 crores COVID Contingency Fund for vulnerable sections of society. India. 27 Mar 2020. <https://bit.ly/3eGcA3T>
53. 2021 Myanmar Tobacco Industry Interference Index Report.
54. Excise Tax Act. Section 165. 2017. Thailand. <https://bit.ly/3hu9zn1>
55. 2021 Lao PDR Tobacco Industry Interference Index Report
56. Republic Act No. 11467. Philippines. <https://bit.ly/3zZtN1K>
57. PMFTC opens IQOS stores in Metro Manila. Inquirer. Philippines. 4 Sept. 2020. <https://bit.ly/3zo7y4v>
58. International Air Transport Association. Country Information. <https://bit.ly/322Aosj>
59. Central Tobacco Research Institute Annual Report. Ministry of Agriculture. India. 2020. <https://bit.ly/3EzJzSW>
60. Cooperative Act on the Production of Dried Tobacco Leaf Produce. Article 8. Korea. <https://bit.ly/39kM79S>
61. Department of Budget and Management. Local Budget Memo. 81. Philippines. 4 Nov 2020. <https://bit.ly/3k6VU9F>
62. Meeting Jokowi, PM eyes Indonesia's e-cig market. Bisnis.com. 28 Feb 2020. <https://bit.ly/3AtDn8k>
63. JTI Careers Cambodia's Facebook Page. 19 Feb 2021. <https://bit.ly/2VTr8b3>
64. Lucio Tan donates Batangas COVID-19 lab. Inquirer. Philippines. 23 May 2020. <https://bit.ly/3zIB5vC>

65. National Tobacco Work Conference 2020 held in Beijing. Tobacco China. 11 Jan 2020. <https://bit.ly/2VRsfb5>
66. Vietnam National Tobacco Corporation. News. <https://bit.ly/3nHoRey>
67. US-ASEAN Business Council. Board of Directors. <https://bit.ly/3iHXPi4>
68. US-ASEAN Business Council. Press Release. 25 Nov 2020. <https://bit.ly/3ACd1GI>
69. US-ASEAN Business Council. Press Release: 30 Oct 2020. <https://bit.ly/39FnYvb>
70. PTC Launches 2nd chapter of its export initiative "Made in Pakistan". Diplomatic News Agency. 10 Mar 2020. <https://bit.ly/2XDZvDI>
71. Needs Assessment for Implementation of WHO FCTC in Lao PDR. 2015. <https://bit.ly/3bZdpkZ>
72. United Nations Treaty Collection. Protocol to Eliminate Illicit Trade in Tobacco Products. <https://bit.ly/3AqjYcj>
73. Federation of Indian Chambers of Commerce and Industry. Press Releases. Jan 2021. <https://bit.ly/3nGXfGb>
74. Tobacco Tactics. Transnational Alliance to Combat Illicit Trade. <https://bit.ly/2BOtoGv>
75. Govt's measures on illicit cigarette will preserve tobacco industry. New Straits Times. 8 November 2020. <https://bit.ly/3vKRtEo>
76. BOC destroys 109 million worth of illicit cigarettes. Inquirer. Philippines. 11 May 2020. <https://bit.ly/3tT0TxM>
77. Customs destroy counterfeit cigarettes. Daily News. Sri Lanka. 7 Sept 2020. <https://bit.ly/3IE9r87>
78. 19 entities receive 'President's Industrial Development Award'. Bangladesh Post. 28 Dec 2020. <https://bit.ly/3AszaGP>
79. BAT Bangladesh among top tax paying companies. The Business Standard. 12 Feb 2021. <https://bit.ly/2Xwxhdx>
80. Japan Tobacco. Certified as "Excellent Health Management Corporation 2020 White 500" for 4 consecutive years. 2 Mar 2020. <https://bit.ly/3zi6XRG>
81. KT&G Annual Report 2020
82. KT&G Annual Report 2020
83. Ministry of Human Resources Malaysia. Life at work awards. <https://lifeatwork.my/winners/2019/>
84. AFP fetes outstanding Dental Service personnel. Philippine News Agency. 31 July 2020. <https://www.pna.gov.ph/articles/1110723>
85. Gapay awards top military personnel, units. Manila Bulletin. 21 Dec 2020. <https://bit.ly/3IBB1mp>
86. 2021 China Tobacco Industry Interference Index Report.
87. 2021 Vietnam Tobacco Industry Interference Index Report.
88. Sabale R. V. et al. Working condition and health hazards in beedi rollers residing in the urban slums of Mumbai Indian J Occup Environ Med. 2012 May-Aug; 16(2): 72–74. doi: 10.4103/0019-5278.107075
89. Republic Act 11232. Philippines. <https://bit.ly/3hG4MkK>
90. BAT Bangladesh Annual Report. 2020. <https://bit.ly/3lDI1iW>
91. India Tobacco Company Annual Report. 2020. <https://bit.ly/3kfysXR>
92. VST Limited Annual Report. India. 2021. <https://bit.ly/39eZfNy>
93. Contraband cigarettes smoking out Big Tobacco. The Star Malaysia. 21 April 2018. <https://bit.ly/3hGX2it>
94. Tobacco Tactics. Revolving door. <http://bit.ly/2MteYPC>
95. Transparency International. When EU politicians become lobbyists. 2017. <http://bit.ly/2KVk8Mv>
96. BAT Bangladesh. K. H. Masud Siddiqui. <https://bit.ly/3gCHFUS>
97. BAT Bangladesh. Md. Abul Hossain. <https://bit.ly/3zfPn0B>
98. BAT Bangladesh. Md. Abdul Halim. <https://bit.ly/3hBVnsF>
99. BAT Bangladesh. A. K. M. Aftab Ul Islam FCA. <https://bit.ly/2Edelem>
100. Anco Group of Companies. Cambodia. <https://bit.ly/2XCF8GR>
101. LYP Group Company Limited. Cambodia. <https://bit.ly/3hERpiT>
102. India Tobacco Limited. Nirupama Rao. <https://bit.ly/2VP8wc6>
103. India Tobacco Limited. Meera Shankar. <https://bit.ly/3CmRrFZ>
104. India Tobacco Company Limited. Report and Accounts. 2019. <https://bit.ly/3gzD5Hc>
105. Sampoerna. Indonesia. Permana Agung. <https://bit.ly/3hl7gPV>
106. Putera Sampoerna Foundation. Indonesia. Kemal Stamboel. <https://bit.ly/3khz9zV>
107. JT Group Annual Report 2020. Japan. Masato Kitera. <https://bit.ly/3Ci5VqA>
108. Baek Reappointed as Chief Executive of KT&G. Tobacco Reporter. 2021. <https://bit.ly/2XwvvcE>
109. BAT Malaysia. Tan Sri Dato' Seri (Dr.) Aseh bin Haji Che Mat. <https://bit.ly/2EJgYAE>
110. LinkedIn. Htet Augn Khine. <https://bit.ly/39hJd50>
111. Pakistan Tobacco Company. Governance. Current Board of Directors. <https://bit.ly/3js4TiF>
112. Lucio Tan Group, Inc. Philippines. Florencia Tarriela. <https://on.wsj.com/3hIb2c3>
113. Tan Yan Kee Foundation. LT Group. Board of Trustees. Philippines. <https://bit.ly/2Z9baIL>
114. Tobacco Authority of Thailand. Board of Directors. <https://bit.ly/3Cr6aQa>
115. Vietnam National Tobacco Corporation. Ha Quang Hoa. <https://bit.ly/3Ani79d>
116. Vietnam National Tobacco Corporation. Ho Le Nghia. <https://bit.ly/3Er8E2Z>
117. Nepal Party Report to FCTC Secretariat. 2020. <https://bit.ly/2SbmWRz>
118. Prime Minister's Office. Prohibition of involvement of the tobacco industry and smoking in government premises. Brunei Darussalam. 2019. <https://bit.ly/34L2zz9>
119. CSC-DOH Joint Memorandum Circular No. 2010-10. Protection of the Bureaucracy Against Tobacco Industry Interference. Philippines. <https://bit.ly/30ESXCI>
120. Ministry of Public Health. Regulation on communication between the authorities and operators or concerned persons of tobacco products. Thailand. 2016. <https://bit.ly/2YJ0Lm7>
121. Ministry of Health and Sports. Directive 91/2020. Guidelines on contact with cigar and tobacco product manufacturer, distributor, seller or related persons. Myanmar. 2020. <https://bit.ly/3Eqx5Xr>
122. Ministry of Health and Family Welfare. Code of conduct for public officials in compliance to Article 5.3 of WHO FCTC. India. 2020. <https://bit.ly/3xOnhJR>
123. Ministry of Health Regulation No. 60. Guidelines for Managing Conflicts of Interest with the Tobacco Industry within the Health Ministry. Indonesia. 2016. <https://bit.ly/2PaIVDr>
124. Ministry of Health. Code of Conduct between the Health Sector and Tobacco Industry. Lao PDR. 2018. <https://bit.ly/3gjJ0Bg>
125. Bangladesh Party Report to FCTC Secretariat. 2020. <https://bit.ly/2YZRlpq>
126. Malaysia report on implementation of WHO FCTC to the COP 2020. <https://bit.ly/3m87XEF>
127. SARC-CCT virtual meeting. Reported by Ministry of Health official on how the government is implementing FCTC Article 5.3. SARC-CCT virtual meeting. Maldives. 18 June 2021
128. Ministry of National Health Services, Regulations and Coordination. Pakistan. <https://bit.ly/3tPg4Im>
129. Ministry of Health, Nutrition and Indigenous Medicine. National guidelines on protection of policies from commercial and other vested interest of the tobacco industry. Sri Lanka. 2019. <https://bit.ly/2Xutc9D>
130. Securities and Exchange Commission. Companies Ordinance 1984. Pakistan. <https://bit.ly/32tjKSW>
131. Anti-corruption and Tobacco Control, Southeast Asia Tobacco Control Alliance (SEATCA), Global Center for Good Governance in Tobacco Control (GGTC), Corporate Accountability International (CAI). 2017. Thailand. <https://bit.ly/2YU1wsS>
132. National Tobacco Control Law. Mongolia. 2005. <https://bit.ly/3EGgvKi>
133. World Health Organization. Cambodia continues to make stride in tobacco control. News release. 21 May 2021. <https://bit.ly/3IBSNpR>



A Healthy, Sustainable, Tobacco-Free ASEAN

www.seatca.org

www.tobaccowatch.seatca.org

