

ROMANIA

2020

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Background and Introduction

Tobacco Industry is active for over 20 years in Romania, with 3 key players, British American Tobacco, Japan Tobacco International and Philip Morris International. The 3 players had a cumulative net profit of 875.6 Million RON (equivalent to approx. 182.4 Million EUR) in 2018, employing only 4451 people in total. All 3 key players have local manufacturing locations, including regional manufacturing lines supplying heated tobacco products. Between 50 and 80% of the locally manufactured products are exported (60% of BAT, 80% PMI, 50-75% JTI, as per companies' public statements). As of 2015, PMI and BAT have launched heated tobacco products and significantly increased marketing investments behind promoting them, while lacking regulations on advertising, promotion and sponsorship for the new tobacco products. JTI followed later with the launch of the Logic Compact electronic cigarettes.

The lack of regulations regarding tobacco advertising, promotion and sponsorship for all tobacco products (regular tobacco is not covered by comprehensive FCTC compliant provisions on these areas either) leads to a heavy exposure in general communication channels to tobacco marketing messages- outdoor advertising, indoor/point-of-sale and internet advertising exploiting legislative loopholes are a common practice.

The tobacco control movement has been extremely active in Romania since 2015, successfully advocating for the adoption of a comprehensive smoke-free bill in 2015 and contributing to the submission of a comprehensive tobacco advertising, promotion and sponsorship ban bill in 2019. The tobacco control movement is actively engaged in monitoring tobacco industry interference and observing breach of FCTC provisions.

Romania has ratified the Framework Convention on Tobacco Control in 2005, subsequently transposing it in local legislation through Law no. 332/2005. Despite adopting several laws covering advertising, promotion and sponsorship and smoke-free environments, the legislation has been severely impacted by the TI interference in the adoption process, leading to significant gaps versus FCTC commitments and provisions. There are currently no specific provisions in the legislation to comply with art. 5.3 of the FCTC on preventing tobacco industry interference in the policy-making.

Mass-media in Romania is rarely engaged in exposing tobacco industry interference practices, primarily due to the heavy advertising budgets placed by TI in different media outlets. However, despite this, there are a number of media stories that have exposed TI interference in the decision-making, especially over the last few years.

Summary Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Tobacco industry has a long history of interference in policy development in Romania, especially during the years when the tobacco control civic movement was less organized in a joint effort. As of 2015, upon the adoption of the comprehensive smoke-free ban with active civic engagement, the tobacco industry interference was much closer scrutinized and specific attempts to block policy development constantly exposed. The transposition of the TPD in Romania overlapped in 2016 two consecutive attempts of front groups supported by the TI to relax the provisions of the SF ban. These attempts reached the phase of specific amendments to relax the SF ban provisions being included in the local transposition of the TPD. As such, the tobacco control civic movement got actively engaged into the TPD transposition in local legislation. The tobacco industry in Romania has concluded partnerships with fiscal and customs authorities which allows them to severely tamper the policy development.

2. INDUSTRY CSR ACTIVITIES

Tobacco-related CSR activities are not banned as such in Romania due to an inadequate implementation of the FCTC, although transposed into a law in Romania in 2005. Generally, the contributions of the tobacco industry to different governmental agencies is “masked” into operational support or directed through third parties/front-groups.

3. BENEFITS TO THE INDUSTRY

Tobacco industry constantly lobbies for preferential treatment from the Government of Romania, either in the form of exemptions or benefits, or through delaying the adoption or implementation of specific policies. Although Romania is an EU country, the government still gives subsidies for tobacco farming- although very limited as number of beneficiaries, the tobacco farming subsidy is the highest available farming subsidy.

4. UNNECESSARY INTERACTION

Despite frequent changes of governmental structures over the last years, tobacco industry maintains a constant pace of engaging with top governmental officials. Existing finance and customs partnerships allows direct engagement at the highest level, participation in events and high level meetings. Also, there were frequent instances of events organized through third parties, most of the times “disguising” the real purpose of the event behind different concepts. A well-known media newswire received funding to organize a series of events focused on harm reduction/prevention concepts. These events engaged Minister of Health, the Minister of Finance and key health policies decision-makers. All the 3 big tobacco player companies, (PMI, BAT, JTI) meet the highest-level authorities on a regular basis, although these on-going interactions are never made public.

5. **TRANSPARENCY**

In 2016, during a 1-year mandate of a technocrat government, there was a specific initiative of the government to set-up a Transparency Registry. Such Registry would have allowed for a full transparency across governmental bodies on meetings with any commercial or non-commercial entity/interest group. The Registry started to be functional, however, it was completely dropped as of 2017 upon the instalment of a new political governmental structure. Currently, none of the interactions with the tobacco industry are made in a transparent manner. Moreover, specific attempts of the civic society in 2018 and 2019 to set transparency rules for engagement with the tobacco industry at least at Ministry of Health level were not embraced by the Ministry. During 2019, there was an extensive engagement of the tobacco industry with the Ministry of Health, other health bodies and governmental and Parliament of Romania.

6. **CONFLICT OF INTEREST**

Political parties' contributions, though governed by a specific law, were, historically, rarely scrutinized by the public opinion or media. In recent years, there has been an increase of civic society focus on these, however, almost never these inquiries focus on commercial interests or the links between specific industries' contributions and advancing the interests of such industries further. Also, due to significant tobacco industry investments behind media channels, specific investigations are very rare. A significant conflict of interest directly linked with the tobacco industry is the case of Teodor Meleșcanu, former Minister of External Affairs 2017-2019, president of the lower Chamber of the Parliament of Romania in 2019 (holding the 2nd position in the state), with relatives in high executive positions in the tobacco industry (later lobbying for tobacco industry). A note refers also to the current Corporate Affairs Director of BAT Romania who was acting in the Government of Romania Cabinet prior to the appointment.

7. **PREVENTIVE MEASURES**

Overall, there is almost no action taken to prevent and regulate the interference of tobacco industry in policy-making, no proactive approach towards it nor any willingness to accept civil society proposals to regulate the area. On the contrary, the government generally views the tobacco industry as a reliable and trustworthy business partner, there are frequent engagements and commitments to act to advance its' interests.

Recommendations

1. There should be a code of conduct for public officials to guide them when dealing with the tobacco industry. This code should provide a procedure to limit the interactions with the tobacco industry to only when strictly necessary.
2. There should be a strict code of conduct of all the health institutions and health professionals to guide them when dealing with the tobacco industry. This code and policy should provide a procedure to ban any financial or non-financial support from the tobacco industry and any engagement with the tobacco industry.
3. The government has to put in place a program to consistently raise awareness on policies relating to Article 5.3 to ensure all units of the government are aware of tobacco industry interference and to reduce unnecessary interactions.
4. The government has to require the tobacco companies to report on the various aspects of their business including marketing expenditures, revenues, lobbying and philanthropy.
5. The transparency registry must be installed.

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.1)						5
<p>The tobacco product directive (TPD), a “public health policy in relation to tobacco control”, includes 2 articles for combating illicit trade with tobacco products (ITTP), we could conclude that the policies for reduction of ITTP are subject of this questionnaire, too.</p> <p>There was interference of TI in the process of implementing the track and trace system of tobacco products (defined in the TPD). The implementation of T&T was delayed in Romania to end October 2019 and Romania was the only EU country with such a delay. On 25th of January 2016, the tobacco producers requested a delay of 6 months, from May 2019 to October 2019.^{4 5 6 7}</p> <p>The existing partnerships between PMI, BAT, JTI and the Customs Agency and National Fiscal Agency, the institutions responsible with T&T implementation have facilitated significant interference in the policies development.</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)						5
<p>The National Customs Authority issued on the 30th of January 2019 the National Strategy for addressing illicit trade of tobacco products 2019-2021 which mentions is drafted in collaboration with tobacco companies. The strategy includes an industry friendly clause: Development of inter-institutional collaboration with the business environment.⁸</p>						

¹ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

² The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁴ Zamfir, Claudiu, *O comisie de senatori si-a asumat "copy/paste" cerinte ale companiilor de tigari intr-o lege. Cu tot cu greselile de ortografie*, Hotnews, 24.03.2016 - <https://www.hotnews.ro/stiri-esential-20889239-comisie-senatori-asumat-copy-paste-cerinte-ale-companiilor-tigari-intr-lege-tot-greselile-ortografie.htm>

⁵ Agenția Națională de Administrare Fiscală, *ORDIN nr. 2.138 din 2 august 2019 privind contractele de stocare de date încheiate ca parte a unui sistem de trasabilitate pentru produsele din tutun*, MONITORUL OFICIAL nr. 683 din 19 august 2019, 19.08.2019 - <http://legislatie.just.ro/Public/DetaliiDocument/217215>

⁶ Autor, *Informare DGV: Se interzice cumpararea produselor din tutun care NU au inscrise anumite coduri*, Fiscalitatea.ro, 30.12.2019 - <https://www.fiscalitatea.ro/informare-dgv-se-interzice-cumpararea-produselor-din-tutun-care-nu-au-inscrise-anumite-coduri-19844/>

⁷ Bernovici, Anca, *Late transposition of the Tobacco Directive generates further losses for retailers, manufacturers and the State budget*, 19.05.2017 - <https://www.romaniajournal.ro/business/late-transposition-of-the-tobacco-directive-generates-further-losses-for-retailers-manufacturers-and-the-state-budget/>

⁸ Agenția Națională de Administrare Fiscală, *Comunicat de presă - Strategia națională a autorității vamale pentru prevenirea și combaterea traficului ilicit cu țigăre și produse din tutun 2019-2021 a fost aprobată de Ministerul Finanțelor Publice*, 30.01.2019 - <http://www.customs.ro/assets/pdf/comunicate//2776.pdf>

	0	1	2	3	4	5
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				
No such incident.						
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) ⁹ (Rec 4.9 & 8.3)		1				
No such incident.						
INDICATOR 2: Industry CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2) B. The government (its agencies and officials) receives contributions ¹⁰ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)		1				
No such incident. While tobacco related CSR activities are not banned in Romania, however there were no instances of government officials being involved or endorsing these activities.						
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)						5
<p>The tobacco product directive (TPD), a “public health policy in relation to tobacco control”, includes 2 articles for combating illicit trade with tobacco products (IT*TP), we could conclude that the policies for reduction of IT*TP are subject of this questionnaire, too.</p> <p>From this perspective, there are proves for the interference of TI in the process of implementing the track and trace system of tobacco products (defined in the TPD):</p>						

⁹ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

¹⁰ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
The implementation of T&T was delayed in Romania to end October 2019 and Romania was the only EU country with such a delay. On 25 th of January 2016, the tobacco producers requested a delay of 6 months (180 days). ^{11 12 13 14}						
International European travelers are allowed to bring in 800 sticks of cigarettes, 400 cigarillos, 200 cigars and 1 kg of smoking tobacco. Travelers from non-European countries can bring in 200 sticks of cigarettes, 100 cigarillos, 50 cigars and 250gm of tobacco. ¹⁵						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
Subsidies for tobacco farming are available, at one of the highest rates among all types of agricultural subsidies- at an average of 1487 EUR/ha.(1.65 Million EUR total payments to 334 producers in 2019). Details on the legislation for this in 2019 reflected on the governmental website and on the key legislative governmental portal: ^{16 17}						
News articles on the topic appeared in a key general and a key economic newspaper: ^{18 19}						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ²⁰) 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)						5
In 2017, the Prime Minister of Romania attended the PMI manufacturing location launch for manufacturing IQOS. ²¹						

¹¹ Zamfir, Claudiu, *O comisie de senatori si-a asumat "copy/paste" cerinte ale companiilor de tigari intr-o lege. Cu tot cu greselile de ortografie*, Hotnews, 24.03.2016 - <https://www.hotnews.ro/stiri-esential-20889239-comisie-senatori-asumat-copy-paste-cerinte-ale-companiilor-tigari-intr-lege-tot-greselile-ortografie.htm>

¹² Agenția Națională de Administrare Fiscală, *ORDIN nr. 2.138 din 2 august 2019 privind contractele de stocare de date încheiate ca parte a unui sistem de trasabilitate pentru produsele din tutun*, MONITORUL OFICIAL nr. 683 din 19 august 2019, 19.08.2019 - <http://legislatie.just.ro/Public/DetaliiDocument/217215>

¹³ Autor, *Informare DGV: Se interzice cumpararea produselor din tutun care NU au inscrise anumite coduri*, Fiscalitatea.ro, 30.12.2019 - <https://www.fiscalitatea.ro/informare-dgv-se-interzice-cumpararea-produselor-din-tutun-care-nu-au-inscrise-anumite-coduri-19844/>

¹⁴ Bernovici, Anca, *Late transposition of the Tobacco Directive generates further losses for retailers, manufacturers and the State budget*, 19.05.2017 - <https://www.romaniajournal.ro/business/late-transposition-of-the-tobacco-directive-generates-further-losses-for-retailers-manufacturers-and-the-state-budget/>

¹⁵ Autor, *Romania Customs, Currency & Airport Tax regulations details*, Iata Travel Centre, data - <https://www.iatatravelcentre.com/RO-Romania-customs-currency-airport-tax-regulations-details.htm#>

¹⁶ Guvernul României, *Nota de Fundamentare - HG nr. 159 / 19.03.2019*, Guvernul României, 19.03.2019 - <https://www.gov.ro/ro/guvernul/procesul-legislativ/note-de-fundamentare/nota-de-fundamentare-hg-nr-159-19-03-2019&page=15#null>

¹⁷ MINISTERUL AGRICULTURII ȘI DEZVOLTĂRII RURALE, *ORDIN nr. 619 din 6 aprilie 2015*, MONITORUL OFICIAL nr. 234 din 6 aprilie 2015, 6.04.2015 - <http://legislatie.just.ro/Public/DetaliiDocument/167010>

¹⁸ Deacu, Elena, *Ce culturi primesc cele mai mari subvenții: legumele la solar, cartoful, roșiile și tutunul*, Adevărul, 9.06.2019 - https://adevarul.ro/economie/bani/ce-culturi-primesc-cele-mai-mari-subventii-legumele-solar-cartoful-rosiile-tutunul-1_5cfd28f7892c0bb0c62d332f/index.html

¹⁹ Stanciu, Alina, *Top subvenții de la stat: cea mai mare ajunge la 1.500 de euro pe hectar. Principalul beneficiar este o firmă controlată indirect de Ioan Niculae*, Economica, 5.06.2019 - https://www.economica.net/top-subventii-de-la-stat-in-2019-cele-mai-mari-se-apropie-de-1500-de-euro-pentru-fiecare-hectar_169474.html

²⁰ Includes immediate members of the families of the high-level officials

²¹ Guvernul României, *Participarea premierului Mihai Tudose la evenimentul de anunț al investiției Philip Morris International în România, "Together for Romania"*, Guvernul României, 25.07.2017 - <https://www.gov.ro/ro/stiri/participarea-premierului-mihai-tudose-la-evenimentul-de-anunt-al-investitiei-philip-morris-international-in-romania-together-for-romania&page=137>



Mihai Tudose, Prime-Minister of Romania, at the PMI manufacturing location for IQOS launch

In July 2018, the Minister of Health, a Romanian MP in the European Parliament and the leaders of the 2 health committees in the Parliament have attended a PMI-sponsored event focused on the benefits of HTP's. This has continued in 2019 through series of formal and informal meetings with the tobacco industry:



From left to right- Răzvan Vulcănescu(National Health Insurance Agency), Alessandra Stoicescu (organizing host, media channel journalist, recipient of PMI funding), Eugen Teodorovici(Minister of Finance), Sorina Pintea(Minister of Health)

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From left to right- Sorina Pintea(Minister of Health), Alessandra Stoicescu(organizing host, media channel journalist, recipient of PMI funding), Corneliu Florin Buicu(President of the Health Committee in the Chamber of Deputies, Parliament of Romania)

For example, in December 2019, the media group that constantly engages in supporting tobacco companies' communication and projects organized a business summit, attended by the Prime Minister of Romania and with BAT sponsorship.²²



Photo left:
BAT

Tot asupra
Juridic s
de Sud
stat. Suntem prezenti in Romania de peste 20 de ani. Am ajuns la acest
nivel prin colaborarea cu peste 50.000 de entitati majoritatea cu capital
romanes. Ne dorim sa crestem sustenabil. Important e sa avem un mediu
legislativ predictibil, mai ales predictibilitate fiscala, a spus reprezentanta
BAT.

representative, photo right: Ludovic Orban, Prime-Minister of Romania,
attending the Forum.

In September 2019, the Romanian Minister of Finance participated at the launch of an anti-illicit trade campaign sponsored by JTI. The Ministry of Finance website at the time had the photos of the launch on its' landing page.²³



From left to right: Eugen Teodorovici (Minister of Finance), Gilda Lazăr (JTI Romania & Moldova Corporate Affairs Director, Fiscal Authority Director)

In June 2019, BAT organized through a Public Affairs agency, a private lunch for MP's from the key decisional committees in the Parliament- a news article appeared in a medical journal, only to disappear from the site the following day. References as photo capture are available.



MEDICALMANAGER.RO

Adicțiile și tehnologia

13 Jun 2019 Home » INOVAȚIE ÎN INDUSTRII » Adicțiile și tehnologia...

²² Autor, *Forumul Capitalului Românesc*, Intact Media Grup, 19.12.2019 - <https://www.intactmediagroup.ro/conferinte/>

²³ Oncu, Marius, *JTI, ANAF, Direcția Vămilor și Poliția lansează campania de combatere a traficului ilicit cu țigărete „Contrabanda e crimă organizată”*, Profit.ro, 17.09.2019 - <https://www.profit.ro/taxe-si-consultanta/jti-anaf-directia-vamilor-si-politia-lanseaza-campania-de-combatere-a-trafficului-ilicit-cu-tigarete-contrabanda-e-crima-organizata-19116239>

In the photo- key MP's in the Health or Culture/Media committees in the Parliament of Romania, next to BAT representatives

In 2017, the Ministry of Culture appointed Gilda Lazăr, the Corporate Affairs Director of JTI Romania in the Governmental Committee that organized Europalia Festival during October 2019-january 2020. A sequence of events under the auspices of the Festival happened as of October 2019, including the participation of key EU Parliament, EU Commission members. The first working meeting of the organizing committee in 2017 was reflected on the Ministry of Culture site: <http://www.cultura.ro/intalnirea-de-lucru-echipei-europalia-romania>²⁴



Gilda Lazăr, Corporate Affairs Director of JTI Romania, in the center

Several news articles throughout summer and autumn 2019, including one **written** by Gilda Lazăr, highlight photos of dignitaries attending the Bruxelles event (HE Makita Shimokawa - Ambassador of Japan to Brussels, HE Mr. Shigeji Suzuki - Ambassador of Japan to Luxembourg, HE Mr. Tobibayashi Ryohei, representative of the Embassy of Japan to the European Union, HE Mr. Lilian Zamfiroiu - Ambassador of Romania to Luxembourg, Mrs. Luminita Odobescu Permanent Representative of Romania to the EU, HE Mrs. Andreea Păstârnac - Romania's Ambassador to Belgium, Mr. Mircea Geoană - Deputy Secretary General of NATO, Mr. Dacian Ciolos - President of the Renew Europe group in the European Parliament in Brussels, Mrs. Gilda Lazăr - Director Corporate Affairs and Communications JTI Romania)^{25 26 27 28}



9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on

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²⁴ Ministerul Culturii, *Întâlnirea de lucru a echipei EUROPALIA-România*, Ministerul Culturii, 23.11.2017 - <http://www.cultura.ro/intalnirea-de-lucru-echipei-europalia-romania>

²⁵ Lazăr, Gilda, *EUROPALIA, ROMÂNIA, BRĂNCUȘI – “Sublimarea formei”*, Cotidianul, 7.10.2019 - <https://www.cotidianul.ro/europalia-romania-brancusi-sublimarea-formei/>

²⁶ Andrei, Otilia, *Cel mai mare succes teatral românesc, peste hotare, din 2019. „Povestea prințesei deocheate” a fost aplaudată de înalți oficiali europeni la Bruxelles*, Adevărul, 30.12.2019 - https://adevarul.ro/cultura/teatru/cel-mai-mare-succes-teatral-romanesc-hotare-2019-povestea-printesei-deocheate-fost-aplaudata-inalti-oficiali-europeni-bruxelles-1_5e0a07695163ec42718ac3d5/index.html

²⁷ Teatrul Național "Radu Stanca" Sibiu - Comunicat de presă, *"Povestea prințesei deocheate este cel mai important proiect teatral pe care România îl are în EUROPALIA"*, Agerpres, 13.12.2019 - <https://www.agerpres.ro/comunicate/2019/12/13/comunicat-de-presa-teatrul-national-radu-stanca-sibiu-419786>

²⁸ Buzdugan, Rebecca, *Cel mai bun spectacol românesc al anului prezentat pe scena EUROPALIA, Bruxelles, în prezența a peste 60 de oficiali și invitați*, Sibiu Independent, 13.12.2019 - <https://sibiuiindependent.ro/2019/12/13/cel-mai-bun-spectacol-romanesc-al-anului-prezentat-pe-scena-europalia-bruxelles-in-prezenta-a-peste-60-de-oficiali-si-invitati/>

	0	1	2	3	4	5
tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)						

March 2019, JTI announces donation of drones and dogs to the Customs Police. The donation was reflected on the official site of the Customs Police.²⁹



In August 2019, the Customs Police announces partnership with BAT on an anti-illicit trade campaign: <https://www.politiadefrontiera.ro/ro/main/i--17809.html>

²⁹ Poliția de Frontieră Română, *Echipamente de ultimă generație pentru combaterea contrabandei cu țigări, în dotarea Poliției de Frontieră*, Poliția de Frontieră Română, 20.03.2020 - <https://www.politiadefrontiera.ro/ro/main/i-echipamente-de-ultima-generatie-pentru-combaterea-contrabandei-cu-tigari-in-dotarea-politiei-de-frontiera-16268.html>

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<p>2x</p> 	<p></p> <p>5000-10000 lei amendă și confiscarea bunurilor și vehiculelor dacă valoarea bunurilor este mai mică de 20.000 lei.</p>

Campanie de informare dezvoltată de British American Tobacco și susținută de Poliția de Frontieră Română, ANAF și Direcția Generală a Vămilor.






In September 2019, the Romanian Minister of Finance participated at the launch of an anti-illicit trade campaign sponsored by JTI. The Ministry of Finance website at the time had the photos of the launch on its' landing page.^{30 31}

³⁰ Agerpres, Teodorovici: Intră în vigoare trasabilitatea. Fiecare pachet de țigări va putea fi urmărit la nivel european, *Economica*, 17.09.2019 - https://www.economica.net/teodorovici-intra-in-vigoare-trasabilitatea-fiecare-pachet-de-tigari-va-putea-fi-urmarit-la-nivel-european_173932.html

³¹ Oncu, Marius, JTI, ANAF, *Direcția Vărilor și Poliția lansează campania de combatere a traficului ilicit cu țigărete „Contrabanda e crimă organizată”*, Profit.ro, 17.09.2019 - <https://www.profit.ro/taxe-si-consultanta/jti-anaf-directia-vamilor-si-politia-lanseaza-campania-de-combatere-a-traficului-ilicit-cu-tigarete-contrabanda-e-crima-organizata-19116239>



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Program de convergență

Pachet finanțare externă

Certificate de emisii gaze cu efect de seră

Treasury and Public Debt

Trezorerie și datorie publică

Noutăți legislative

Bugetul MFP

Bugetul UE

Certificat atestare SEC

Practică privind participarea și consultarea la nivelul institutiilor publice centrale din perspectiva...

In July 2018, the Customs Police concluded a 1.2 Mîl USD donation contract with PMI, followed by the launch of the PMI-Impact project.^{32 33}



³² Inspectoratul General al Poliției Române, *NOI ACHIZIȚII PENTRU COMBATAREA CONTRABANDEI CU PRODUSE DIN TUTUN*, Poliția Română, 17.07.2018 - <https://www.politiaromana.ro/ro/stiri-si-media/agenda-conducerii-igpr/noi-achizitii-pentru-combaterea-contrabandei-cu-produse-din-tutun1531815301>

³³ Inspectoratul General al Poliției Române, *DETECT – COMBATAREA CONTRABANDEI CU TUTUN LA FRONTIERA UE*, Poliția Română, 15.11.2018 - <https://www.politiaromana.ro/ro/comunicate/detect-combaterea-contrabandei-cu-tutun-la-frontiera-uc>

Left- Alvise Giustiniani, Vice-President Illicit Trade Prevention Philip Morris International, right-Head of Romanian Police Inspectorate

In October 2019, Romanian Police announces on its' Social Media platform activities as part of the PMI-Impact project.³⁴



Politia Romana
10 October 2019

Peste 40.000.000 de țigarete și 28 de tone de tutun vrac (echivalentul altor 40.000.000 de țigarete) au fost capturate, iar aproape 2.400 de persoane au fost cercetate. În primele 8 luni ale anului, în urma acțiunilor desfășurate pentru combaterea contrabandei cu tutun.

Piața neagră de țigarete din România a atins cel mai mic nivel din ultimii 5 ani, aceasta situându-se la jumătatea anului la 13,7%, în scădere cu 3,6% față de luna ianuarie a acestui an.

Mesajul face parte dintr-un proiect derulat de Poliția Română și PMI IMPACT.

Proiectul este finanțat de PMI IMPACT - o inițiativă globală a Philip Morris International pentru a sprijini proiectele dedicate combaterii comerțului ilegal și faptelor conexe.

#PolițiaRomână

During October-December 2019, BAT announced concluding partnerships with local City Halls on cigarette butts collection.^{35 36}



BAT logo on the cigarettes butts collection devices installed by the local City Hall.

10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)
NOTE: This must *not* involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.

3

³⁴ Poliția Română, *titlu*, Facebook, 10.10.2019 -

<https://www.facebook.com/www.politiaromana.ro/photos/a.561513930626512/2380175882093632/?type=3&theater>

³⁵ Zaharia, Cosmin, *Chiștoacele din Sectorul 3, coincinerate în fabricile de ciment*, Green report, 1.10.2019 - <https://www.green-report.ro/chistoacele-din-sectorul-3-co-incinerate-in-fabricile-de-ciment/>

³⁶ Budescu, Florin, *Primăria Sectorului 3 montează 300 de scrumiere în locurile aglomerate*, România Liberă, 1.10.2019 - <https://romanioliberal.ro/social/primaria-sectorului-3-monteaza-300-de-scrumiere-in-locurile-aglomerate-807070>

In November 2019, BAT announces a partnership with the National Consumer Protection Agency on sales to minors' campaign.³⁷



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

In 2016, the Government of Romania has initiated a Registry of Interests Transparency, requiring the private and non-governmental entities to register, disclose meetings, etc. However, the Registry has functioned on a limited basis only during 2017 and was dropped upon subsequent changes of government. During 2017, there are only 3 entries of meetings for each of the 3 big tobacco companies.

During June 2019-December 2019, the draft bill on tobacco control, including tobacco advertising, promotion and sponsorship ban, taxation and regulation of HTP's was debated in the lower and upper Chambers of the Parliament. Tobacco industry and its' front groups attended each of the subsequent hearings in the debates committees. For each of these incidents, photos were portrayed in printed or online media. There were more than 10 such individual debates sessions.³⁸

Preparation for the implementation of the delayed Track&Trace EU Directive System involved multiple meetings with tobacco industry- none of these were made transparent on the Customs or Fiscal authority sites.

Also, before any correction of the Fiscal Code (which gets regularly updated and includes revisions of excise taxes, etc), the Ministry of Finance organizes consultation meetings with the tobacco industry- none are reflected in transparency procedure.

³⁷ România TV, *30.000 de magazine din România anunță zero toleranță pentru vânzarea de produse din tutun către minori. Campanie BAT și ANPC*, Romani TV, 8.11.2019 - <https://www.romaniatv.net/30-000-de-magazine-din-romania-anunta-zero-toleranta-pentru-vanzarea-de-produse-din-tutun-catre-minori-campanie-bat-si-anpc-497068.html>

³⁸ Olescu, Emilia, *Economiștii din Senat au respins legea anti-tutun*, Bursa, 26.09.2019 - <https://www.bursa.ro/economistii-din-senat-au-respins-legea-anti-tutun-07160835>

	0	1	2	3	4	5
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
No such rules existing.						
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)					4	
The Elections Law 334/2006 and Governmental Decree HG 10/2016 do not specifically prohibit tobacco companies from making such contributions. However, art. 6 of the abovementioned laws stipulates that the political parties are forbidden from accepting, directly or indirectly, donations or loans made with the specific purpose of obtaining an economic advantage. The Law and the Decree specifically mentions that these contributions are public information which can be requested by any interested party. ³⁹						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No such incident.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)						5
The President of the lower Chamber of the Parliament of Romania during 2019 (also former Minister of External Affairs 2017-2019) Teodor Melescanu's son-in-law, Peter Imre, is the former Public Affairs Director of PMI Romania 1987-2007. Peter Imre is currently unofficially engaged in public affairs/advocacy for PMI Romania. Mr. Melescanu has extensive history of advocating for the tobacco industry in the Romanian Parliament and in his role as Minister of External Affairs. ⁴⁰						
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 and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
No policy.						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which						5

³⁹ Parlamentul României, *LEGE nr. 334 din 17 iulie 2006 (**republicată**) privind finanțarea activității partidelor politice și a campaniilor electorale*, MONITORUL OFICIAL nr. 446 din 23 iunie 2015, 23.07.2015 - <http://legislatie.just.ro/Public/DetaliiDocument/120830>

⁴⁰ Autor, *Fata lui Melescanu s-a căsătorit cu afaceristul Peter Imre*, Adevărul, 11.09.2006 - https://adevarul.ro/news/societate/fata-melescanu-s-a-casatorit-afaceristul-peter-imre-1_50abeb087c42d5a663826fa6/index.html

	0	1	2	3	4	5
they should comply in their dealings with the tobacco industry. (Rec 4.2)						
<p>There is no code of conduct for public officials when dealing with the tobacco industry. In 2017 for example, PMI had a meeting with the Prime Minister at his palace. The Prime Minister's office welcomed PMI's new investment to produce its next generation products by issuing a statement that Romania will continue the efforts to ensure an investment climate as attractive as possible for the business environment, through maintaining a predictable legal framework. ⁴¹</p> <p style="text-align: center;">PM Grindeanu welcomed, at the Victoria Palace, representatives of the Philip Morris International company</p> <p style="text-align: center;">Tuesday, April 11, 2017 Share</p> 						
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. (5.2)			2			
<p>Under the Tobacco Products Directive, the tobacco industry is required to report on production, manufacture and revenues but they were not implemented in 2019. There is no requirement on reporting on market share, marketing expenditures, lobbying and other contributions.</p>						
19. The government has a program / system/ plan to consistently ⁴² raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
<p>There is no report available on how the government has put in place a program to consistently raise awareness on policies relating to Article 5.3</p>						

⁴¹ Autor, *PM Grindeanu welcomed, at the Victoria Palace, representatives of the Philip Morris International company*, Act Media, 11.04.2017 - <https://actmedia.eu/daily/pm-grindeanu-welcomed-at-the-victoria-palace-representatives-of-the-philip-morris-international-company/69001>

⁴² For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

	0	1	2	3	4	5
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. (3.4)						5
There is no policy in place to disallow contributions/gifts from the tobacco industry on assistance or study visits for government officials.						
TOTAL						77

Annexes

NEWS SOURCES PRINT

Top 5 Newspaper/Dailies*	Type (Print/Online)	Total released (between October – December 2019)
Click	Print	52.374
Libertatea	Print	29.596
Evenimentul Zilei	Print	6.692
Adevarul	Print	4.726
Jurnalul	Print	2.392

*Basis of Ranking: Circulation. Ranking Authority: BRAT

ROMANIA- NEWS SOURCES ONLINE

Top 5 Newspaper/Dailies*	Type (Online)	Views (for March 29th 2020)
Digi24.ro	Online	4.678.015
Adevarul.ro	Online	2.419.239
Stirileprotv.ro	Online	2.176.273
Mediafax.ro	Online	2.130.001
Libertatea.ro	Online	2.046.754

*Basis of Ranking: Circulation. Ranking Authority: BRAT

LAWS, POLICIES, AND ISSUANCES:

HEALTH LAWS:

Is there a health law database? If yes, please list which one will be used and cite the limitations: No.

If there is no existing health law database, then list the primary source of the law listing to be searched:

www.legislatie.just.ro

Does the above sources include issuances? Yes.

ALL LAWS:

Is there a centralized (all) law database? If yes, please list which one will be used and cite the limitations:

www.legislatie.just.ro.

GOVERNMENT AGENCIES

Agency	Specify if more than one office is involved in this function:	General Sources of Information/ News for each office

1. Office of the Prime Minister	www.gov.ro https://gov.ro/ro/prim-ministru/prim-ministru	https://gov.ro/ro/media
2. National Assembly (Policy makers)	www.cdep.ro www.senat.ro	www.cdep.ro www.senat.ro
3. Agriculture	www.madr.ro	www.madr.ro
4. Customs	www.politiadefrontiera.ro	www.politiadefrontiera.ro
5. Education	www.men.ro	www.men.ro
6. Environment	www.mmediu.ro	www.mmediu.ro
7. Finance/ Revenue/ Investments/ Excise	www.anaf.ro www.mfp.ro	www.anaf.ro www.mfp.ro
8. Health	www.ms.gov.ro	www.ms.gov.ro
9. Labor	www.mmuncii.ro	www.mmuncii.ro
10. Trade and Industry/ Investments	http://www.imm.gov.ro/ro/	http://www.imm.gov.ro/ro/
Additional agencies/sectors		
11.Culture	www.cultura.ro	www.cultura.ro
12.Romanian Police	www.politiaromana.ro	www.politiaromana.ro

TOBACCO FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	Source
Coalitia pentru Libertatea Comertului si Comunicarii	Front Group	https://www.dcnews.ro/coalitia-pentru-libertatea-comertului-si-a-comunicarii-lansare-oficiala_709999.html ⁴³ https://www.clcc.ro/
Asociatia Nationala a Comerciantilor Mici si Mijlocii	Front Group	www.ancmmr.ro
Asociatia Combaterea Traficului Ilicit Viitorul	Front Group	www.asociatiaactiv.ro

TOBACCO COMPANIES

Top 5 Transnational Tobacco Company	SEATCA Report (Y if SEATCA Report contains information on this, N if not)	Sources other than SEATCA Report
PMI	N	Local Website link: www.pmi.ro
BAT	N	Global Website link
JTI	N	Global Website link
China Tobacco International	N	Local Website link https://www.ctiec.cc/about-us/

⁴³ Cristian, Mircea F., *Coaliția pentru Libertatea Comerțului și a Comunicării, lansare oficială*, DC News, 12.11.2019 - https://www.dcnews.ro/coalitia-pentru-libertatea-comertului-si-a-comunicarii-lansare-oficiala_709999.html