



Global Center for
Good Governance
in Tobacco Control

Handbook on the Implementation of WHO FCTC Article 5.3

Policies and Practices that Protect Against
Tobacco Industry Interference

THIRD EDITION



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About GGTC

The Global Center for Good Governance in Tobacco Control (GGTC) is the WHO FCTC Secretariat’s Knowledge Hub on Article 5.3. It is a partnership program of the School of Global Studies, Thammasat University, Thailand, and the Southeast Asia Tobacco Control Alliance (SEATCA) to promote and enhance good governance in tobacco control through a whole-of-government approach.

For more information, visit: www.ggtc.world

Table of Contents

I. Overview	4
II. Country Level.....	4
A. Good Practices at Country Level.....	4
B. Case Studies.....	39
1. Philippines: Incorporating Article 5.3 into the Civil Service Rules	39
2. Thailand: Treating State-Owned Enterprises the Same Way	42
3. France: Requiring Information from the Tobacco Industry	43
4. Uganda: Incorporating Article 5.3 into National Law.....	44
5. Australia: Providing Guidance in accordance with Article 5.3 Guidelines and Extending Article 5.3 to New and Emerging products	46
III. Global Level.....	47
A. International Instruments that Take Tobacco Industry Interference into Consideration.....	47
B. Tobacco Industry Interference in UN Agencies and the International Community’s Response	49
C. Case Studies on Responses to Efforts by International/ Regional Organizations that Represent Tobacco Industry Interests.....	53
1. International Tax and Investment Center	53
2. International Tobacco Growers Association	55
3. ASEAN Intellectual Property Association	55
4. US/ American Chamber of Commerce	56
5. Foundation for a Smoke-Free World (FSFW)	57
Annexes	60
Annex I	60
References/ Endnotes	62

I. Overview

This handbook is aimed at providing guidance for domestic/country implementation of the treaty provision that protects tobacco control policies from tobacco industry interference.

The first section summarizes reports on the implementation of Article 5.3 of the World Health Organization – Framework Convention on Tobacco Control (WHO FCTC) in order to prompt information exchange among Parties to the WHO FCTC. This Third Edition covers Party Reports from years 2018-2021, while the previous edition covers reports up to 2018.

The second section of the handbook focuses on the implementation of Article 5.3 at the global level, including international instruments and progress by the global community in countering tobacco industry's efforts at the global or regional level.

II. Country Level

A. Good Practices at Country Level

Reports of tobacco industry tactics to undermine tobacco control policies have progressively increased since the public health community agreed to implement the life-saving measures outlined in the WHO FCTC. The treaty itself, particularly Article 5.3, anticipated the tobacco industry's strategies: In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.³⁹ With this provision, a number of countries started taking measures to prevent tobacco industry interference...mostly in the form of general principles embodied in legislation.

After the Article 5.3 Guidelines were adopted in 2008, Parties were provided with the much-needed guidance to articulate the measures needed to protect health policies from tobacco industry interference. Article 5.3 covered various means of protecting policies such as by requiring transparency from the tobacco industry, rejecting partnerships, de-normalizing so-called corporate social responsibility (CSR) activities, raising awareness of tobacco industry tactics, strengthening code of conduct (avoiding conflicts, limiting interactions, rejecting partnerships), and refusing any preferential treatment for the tobacco industry.

With the recommendations provided by the Guidelines, Parties to the WHO FCTC have since adopted more sophisticated measures to prevent tobacco industry interference.

Table I below compiles good practices at country level on the implementation of Article 5.3 from publicly available reports, such as:

1. Reports of Parties submitted to WHO FCTC from 2007 to 2020 as required under Article 21.1 of the Convention.¹
2. Government websites such as pages on lobbying registers or transparency pages in

[Australia](#), [Canada](#), [European Union](#) and [United Kingdom](#).

3. WHO FCTC, Good country practices in the implementation of WHO FCTC Article 5.3 and its guidelines: Report commissioned by the Convention Secretariat, Prepared by Mary Assunta, January 15, 2018.
4. Corporate Accountability International, Roadmap to protecting health from Big Tobacco: A guide for implementation of the Framework Convention on Tobacco Control's Article 5.3, 2017.
5. Campaign for Tobacco-Free Kids, database of tobacco control laws.
6. The Global Tobacco Industry Interference Index and other published reports from Observers to the COP as well as Observatories that publish government practices in countering tobacco industry interference.
7. Policies and practices documented by the Global Center for Good Governance in Tobacco Control (GGTC) in its website (<http://www.ggtc.world>) and/or in the website of the Secretariat's Knowledge Hub for Article 5.3 (<https://www.untobaccocontrol.org>)

The eight (8) activities recommended to address tobacco industry interference under the Guidelines for the Implementation of Article 5.3 are summarized below and used to categorize the types of activities undertaken by FCTC Parties:

1. Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.
2. Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
3. Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
4. Avoid conflicts of interest for government officials and employees.
5. Require that information provided by the tobacco industry be transparent and accountable.
6. De-normalize and, to the extent possible, regulate activities described as "socially responsible" by the tobacco industry, including but not limited to activities described as "corporate social responsibility."
7. Do not give preferential treatment to the tobacco industry.
8. Treat state-owned tobacco industry in the same way as any other tobacco industry.

Table 1. Good Practices at Country Level on the Implementation of Article 5.3

Country	Description / Details	Official Documents
Antigua and Barbuda	(3) Reject partnerships and non-binding agreements The government does not involve the tobacco industry in any decisions regarding public health policies. Its new draft tobacco control legislation includes a requirement protecting public health policies from the industry. ² The legislation speaks against public officials interacting with industry persons.	Document N/A ⁱ
Argentina	(6) De- normalize and regulate its so-called CSR The law of the country prohibits tobacco industry's contributions to any public event or activity that may promote tobacco use.	Law 26687 on Advertising and Promotion and Tobacco Product Consumption Arts. 4(f), 8 ³
Armenia	(6) De- normalize and regulate its so-called CSR The law of the country prohibits all forms of tobacco industry sponsorship.	Law on Reduction and Prevention of the Damage Caused by the Use of Tobacco Products and Substitutions for Them Art. 7.5 ⁴
Australia	(1) Raise awareness The government has a website to raise awareness on tobacco industry interference. The site publishes notices and minutes of any necessary meetings conducted with the tobacco industry. Meetings with the vaping industry and harm reduction groups are also included. Submissions of the same are published. ⁵ (2) Limit interactions and ensure transparency of interactions that occur The government's National Tobacco Strategy 2012- 2018 includes a provision to "protect public health policy, including tobacco control policies, from tobacco industry interference." ⁶ The Department of Health and Ageing informs the general public through its website details of its meeting with the tobacco industry, including consultations on plain packaging measures. ⁷ The Australian Taxation Office also uploads on its website records of meetings of the	Guidance for Public Officials on Interacting with the Tobacco Industry, 2019 ¹¹ National Tobacco Strategy 2012- 2018 ¹² Public Service Act: Code of Conduct, 1999 ¹³

ⁱ NOTE: N/A means "Not Available." This suggests that the policy or document was not provided in the Party's report and/or not available on the website, including government website.

Country	Description / Details	Official Documents
	<p>Tobacco Stakeholder Group, which includes industry representatives.⁸ The website that publishes meetings with the industry covers both tobacco industry and vaping industry.</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>The government does not allow any partnership with the tobacco industry and rejects collaboration in policy decisions.</p> <p>(4) Avoid conflicts of interest</p> <p>The Guidance for Public Officials on Interacting with the Tobacco Industry (2019) provides a comprehensive guide for public officials in various sectors on how to deal with tobacco industry actors in line with the Art 5.3 Guidelines. The Guide extends “to new and emerging products, such as e-cigarettes and heated tobacco products, due to the increasing integration between their manufacturers and the tobacco industry;” The guide recommends, among others, that officials “act to correct any perceptions of support for or participation in the tobacco industry’s ‘corporate social responsibility’ activities” (more details can be found in section Case Studies: Australia below).</p> <p>The Australian Public Service Code of Conduct requires all government officials to take reasonable steps to avoid conflicts of interest, while the government keeps a Register of Lobbyistsⁱⁱ and a Lobbying Code of Conduct to ensure that interactions between lobbyists and government representatives are done consistent with public expectations of transparency, integrity, and honesty.⁹</p> <p>(5) Require information to be transparent and accountable</p> <p>Australia is among the top 10 countries with highest number of documents available to the public- it has more than 80 documents related to tobacco industry available to the public. Additionally, the private sector entity that donates to a registered political party to the value of or greater than AUD \$10,000 is required to declare the donation to the Australian Electoral Commission.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The government does not accept donations from the industry; any donations to a political party greater than A\$10,000 should be reported to the Australian Electoral Commission.¹⁰</p> <p>(7) Do not give preferential treatment</p>	

ⁱⁱ The Register of Lobbyists introduces a layer of transparency but is open to manipulation. See: <https://www.theguardian.com/australia-news/2018/oct/05/tony-abbotts-former-advisers-role-with-philip-morris-invisible-under-lobbying-regime>

Country	Description / Details	Official Documents
	<p>The government has initiated divesting its public investment in the tobacco industry.</p>	
Azerbaijan	<p>(6) De- normalize and regulate its so-called CSR The law of the country prohibits people involved in production and sale of tobacco from sponsorship of events that can promote tobacco sale and use.</p>	<p>The Law of the Republic of Azerbaijan on restriction of tobacco use¹⁴</p>
Bahrain	<p>(3) Reject partnerships and non-binding agreements In 2014, Ministry of Health denied the request of Bahrain’s business association, atobacco investor, to be included as member of the National Anti-Smoking Committee, emphasizing that tobacco industry representatives are not allowed to interfere with tobacco control policies.¹⁵ Additionally, tobacco industry’s efforts to underestimate tobacco control policies such as taxation, smoke free places, advertisements and promotion ban were all rejected.</p> <p>(5) Require information to be transparent and accountable Central Information & E Government Authority annually publishes a report on imports and exports of tobacco products including revenues from taxation.</p> <p>(6) De- normalize and regulate its so-called CSR The government bans tobacco industry sponsorship, directly or indirectly, of any event related to health, sports, and welfare, and prohibits industry interference in tobacco control policies.¹⁶</p> <p>(7) Do not give preferential treatment All tobacco products regulations and decisions including taxes are being implemented without giving preferential treatment to the tobacco industry.</p>	<p>Policy N/A</p>
Benin	<p>(1) Raise awareness In 2014, a network to monitor the tobacco industry was established after a workshop on WHO FCTC Article 5.3 implementation.¹⁷ No tobacco factory has settled in Benin.</p> <p>(3) Reject Partnerships and non-binding agreements The Ministry of Health disallows public sector collaboration with the</p>	<p>Law No. 2017-27 of December 18, 2017 Concerning the Production, Packaging, Labeling, Sale and Use of Tobacco, its Derivatives</p>

Country	Description / Details	Official Documents
	<p>tobacco industry and tobacco industry participation in all its meetings. In 2020, the National Society of Tobacco and Matches of Mali proposed CODENTIFY (under the name INEXTO), but this proposal was refused by the Government.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The law of the country bans all forms of tobacco sponsorship, funding or underwriting.</p>	<p>and Similar Items in the Republic of Benin¹⁸</p>
Brazil	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The government's multi- sectoral national committee for tobacco control (CONICQ)'s policy requires its members to adhere to be transparent in information on the tobacco industry as well its interference in tobacco control. ¹⁹</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>The government bans tobacco industry to be members of CONICQ.</p> <p>(4) Avoid conflicts of interest</p> <p>The government requires CONICQ members to prevent conflicts of interest with the tobacco industry.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>CONICQ bans acceptance of gifts or offers of partnerships from the tobacco industry.</p> <p>(7) Do not give preferential treatment</p> <p>CONICQ disallows giving of preferential treatment to the tobacco industry.</p>	<p>Administrative Rule N° 713, 2012²⁰</p>
Brunei Darussalam	<p>(4) Avoid conflicts of interest</p> <p>Code of Conduct (in the form of circular) on protection of tobacco control policies from tobacco industry interference for civil servants has been developed and endorsed.²¹</p> <p>(7) Do not give preferential treatment</p> <p>The code of conduct prohibits special treatment to the tobacco industry.</p>	

Country	Description / Details	Official Documents
Bulgaria	<p>(1) Raise awareness A website, maintained within the frame of the National Programme for TobaccoControl, is used to expose industry tactics.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur Ministry of Health officials shun any type of communication with tobacco industry representatives. The government is planning to come up with a normative act to oblige all public institutions and municipal structures to ascertain transparency in all interactions with the industry.²²</p>	National Programme for Limitation of Tobacco Smoking in the Republic of Bulgaria, 2007-2010 ²³
Burkina Faso	<p>(2) Limit interactions and ensure transparency of interactions that occur; (5) require information to be transparent and accountable The country's tobacco control law requires transparency of interactions with the industry, obliges disclosure of industry information and its activities.</p> <p>(6) De-normalize and regulate its so- called CSR The law of the country does not allow the tobacco industry and its appendages to sponsor any activity that promotes tobacco products.</p> <p>(7) Do not give preferential treatment The country's tobacco control law disallows giving of preferential treatment to it.²⁴</p>	Law No. 040-2010/AN, Concerning the campaign against tobacco in Burkina Faso, 2010 ²⁵
Cambodia	<p>(1) Raise awareness Cambodia held a workshop on raising awareness about tobacco industry interference.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur The country's law on tobacco control limits interaction of Ministry of Health with tobacco industry.</p> <p>(3) Reject partnerships and non-binding agreements The country's law on tobacco control forbids the Ministry of Health to collaborate with private sector entities that are affiliated with the tobacco industry.</p>	Law on Tobacco Control law, 2015 ²⁶

Country	Description / Details	Official Documents
Canada	<p>(1) Raise awareness</p> <p>The government uses official websites to raise awareness on tobacco industry interference. Health Canada has tackled the Article 5.3 Guidelines with its federal partner departments and with vital departments of provincial/territorial governments that are collaborators in the Federal Tobacco Control Strategy.^{27,28} The government website publishes notices and minutes of any necessary meetings conducted with the tobacco industry. Meetings with the vaping industry associations are also included.²⁹</p> <p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>Lobbying at the federal level is regulated. All interactions with the tobacco industry are published on official websites.³⁰ The website particularly indicates that the vaping industry is covered by the transparency measure.</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>The government has carried out administrative measures (e.g., Health Canada's policy) of not partnering with the tobacco industry on tobacco control programming.</p> <p>(5) Require information to be transparent and accountable</p> <p>The tobacco industry is also required to report on its research and promotional activities pursuant to the Tobacco Reporting Regulations.³¹ The website includes information that the tobacco industry submits including position papers with a caveat that the government will not treat tobacco industry's submissions as confidential. It currently has around a 100 documents available to the public, ensuring transparency in its dealings with the tobacco industry, in accordance with Article 5.3.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>It is illegal for corporations (including tobacco companies) to donate money to political campaigns for electoral purposes.³²</p>	Tobacco Reporting Regulations ³³
Chad	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The law prohibits any form of tobacco industry sponsorship that may directly or indirectly promote or publicize a tobacco product.</p>	Law No. 010/PR/2010 on Tobacco Control ³⁴

Country	Description / Details	Official Documents
Chile	<p>(1) Raise awareness The government uses letters as warnings to raise awareness on tobacco industry interference.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur Because of the country's tobacco control law, government agencies have been requested that in cases it is absolutely necessary to meet with tobacco companies, civil society organizations (CSOs) should be summoned to the meeting, and that proceedings of the same should be recorded and made publicly available in accordance with the WHO FCTC Article 5.3 Guidelines.³⁵</p> <p>(5) Require information to be transparent and accountable The country's tobacco control policy requires the tobacco industry to report every year to the Ministry of Health any donations made to public institutions, sports organizations, community, academic, cultural, and non-government organizations.³⁶</p>	Law No. 20660, Amending LawN° 19419, Regarding Smoke-Free Environments,2013 ³⁷
China (Hong Kong)	<p>(7) Do not give preferential treatment In 2012, the Hong Kong Monetary Authority revealed initial steps to divest from tobacco and instructed its contractors to divest from all tobacco stock portfolio holdings.³⁸ Effectively, this could remove some forms of incentive for the tobacco industry to run its business.</p>	Communicationfrom Hong Kong Monetary Authority to Clear Air NGO and Charity, February 2, 2012 ³⁹
Colombia	<p>(1) Raise awareness Colombia holds workshops to raise awareness on tobacco industry interference.</p> <p>(3) Reject partnerships and non-binding agreements The Colombia Congress eliminated the tobacco industry's seat from the policy table during the development ofthe country's 2009 national tobacco control legislation⁴⁰, thereby facilitating and speeding up negotiations that resulted in regulations compliant with the WHO FCTC.⁴¹</p>	Document N/A
Comoros	<p>(6) De-normalize and regulate its so-called CSR The law of the country prohibits all forms of tobacco industry sponsorship.</p>	Law No. 11-002/AU of 27 March 2011 on Tobacco Control (as promulgated by Decree No. 11-140/PR) ⁴²

Country	Description / Details	Official Documents
Congo	<p>(3) Reject partnerships and non-binding agreements In 2016, the Ministry of Health and Population turned down the offer given by the tobacco industry to assist in drafting the implementing regulation of the law on tobacco control, and to take part in a study mission, presentation, and demonstration of CODENTIFY (a traceability system).⁴³</p> <p>(6) De-normalize and regulate its so-called CSR The law of the country prohibits the tobacco industry, its vendors and importers from sponsoring any activity related to sports, fashion, music and other cultural events.</p>	Decree No. 2018-218 Implementing the Ban on Advertising and Promotion of Tobacco and Its Derived Products and Sale to Minors and By Minors ⁴⁴
Cook Islands	<p>(3) Reject partnerships and non-binding agreements The tobacco control law bans any direct and indirect tobacco industry contributions to public officials or candidates.</p> <p>(5) Require information to be transparent and accountable The tobacco control law obliges the TI to test and report on the contents of its products.⁴⁵</p>	Law: Tobacco Products Control Act, 2007 ⁴⁶
Costa Rica	<p>(6) De-normalize and regulate its so-called CSR The law of the country prohibits tobacco industry sponsorship of any event or activity promoting tobacco products and derivatives, especially socially responsible activity.</p>	Regulation of the General Law for the Control of Tobacco and its Harmful Effects on Health, Executive Decree No. 37185 ⁴⁷
Cote d'Ivoire	<p>(6) De-normalize and regulate its so-called CSR The law of the country prohibits all forms of tobacco industry sponsorship.</p>	Law No. 2019-676 of July 23, 2019 on Tobacco Control ⁴⁸
Cyprus	<p>(2) Limit interactions and ensure transparency of interactions that occur The law limits interactions with the tobacco industry and ensures transparency.</p> <p>(3) Reject partnerships and non-binding agreements; The Ministry of Health informed the tobacco industry that it will not meet with the latter to discuss policy issues and allow industry interference in tobacco control policies.</p>	Law on the Protection of Health (Control of Smoking) of 2002, No. 75(I) (as amended through 2008) ⁵⁰

Country	Description / Details	Official Documents
	<p>(4) Avoid conflicts of interest The Ministry of Health has no conflicts of interest and does not have partnerships/ agreements with the tobacco industry.⁴⁹</p>	
Denmark	<p>(1) Raise awareness Denmark raises awareness through publications found on the Danish Health Authority website.</p> <p>(3) Reject partnerships and non-binding agreements In 2017, a state-funded entity on human rights rejected engagement with Philip Morris International (PMI) stating that the production and marketing of tobacco is irreconcilable to the human right to health.⁵¹</p> <p>(4) Avoid conflicts of interest The Agency for the Modernization of Public Administration published a Code of Conduct stipulating the essential terms and conditions of work in the public sector.⁵²</p>	Code of Conduct in the Public Sector, 2017 ⁵³
Djibouti	<p>(1) Raise awareness; (4) Avoid conflicts of interest The country's tobacco control law requires that in defining and applying sectorial public health policies in connection with tobacco control, the different sectors shall see to it that these policies are not influenced by commercial or other interests of the tobacco industry, in accordance with national legislation.⁵⁴</p> <p>(3) Reject partnerships and non-binding agreements In 2007, the same law requires the inter-sectoral tobacco control committee to safeguard the country's national tobacco control policy from industry interference.⁵⁵</p> <p>(6) De-normalize and regulate its so-called CSR The law of the country enforces a comprehensive ban on financial sponsorship by tobacco merchants, growers and manufacturers at regional and national levels.</p>	Law n° 175/AN/07/5è me L concerning organization for the protection of health against the tobacco habit, 2007 ⁵⁶
El Salvador	<p>(6) De-normalize and regulate its so-called CSR The law of the country bans tobacco industry sponsorship of any activity that may directly or indirectly promote tobacco products and derivatives.</p>	Decree No. 63 on Regulation of the Law for Tobacco Control ⁵⁷

Country	Description / Details	Official Documents
Ethiopia	<p>(6) De-normalize and regulate its so-called CSR The law of the country bans all forms of tobacco industry sponsorship.</p>	Tobacco Control Directive No. 28/2015 ⁵⁸
Fiji	<p>(1) Raise awareness A Cabinet submission is currently drafted within the MOHMS to raise awareness about Article 5.3 and TII among Parliamentarians.</p> <p>(5) Require information to be transparent and accountable The Ministry of Health, through the Minister or Permanent Secretary of Health, relays information to the Tobacco Control Enforcement Unit when the British American Tobacco (BAT) submits quarterly reports on manufacture, imports, and sale of tobacco products.⁵⁹</p>	Policy/ Document N/A
Finland	<p>(1) Raise awareness The government raises awareness on tobacco industry interference through reports, statements and press conferences.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur The government limits its interactions with the tobacco industry mostly to open requests for comment. Various reports on activities of the industry have also been published. Several non-government organizations (NGOs) have adopted a policy of not interacting with the industry, its affiliates, or any other companies that work with it (e.g., advertising agencies).⁶⁰</p> <p>(6) De-normalize and regulate its so-called CSR The law of the country prohibits marketing and sponsorship of tobacco products.</p>	Tobacco Act (No. 549/2016) ⁶¹
France	<p>(1) Raise awareness; (5) require information to be transparent and accountable In addition to requiring the tobacco industry to disclose its ingredients or product contents to the regulatory authorities, the government requires, under pain of penalty, an annual report pertaining to lobbying as well as benefits, in kind or cash, directly or indirectly, given to public officials. Product contents and market research are likewise required to be made available to the public.⁶² Pursuant to the Ordinance, a Decree requires transparency of</p>	Ordinance No.2016-623 of 19 May 2016 transposing Directive 2014/40 / EU on manufacturing, presentation and sale of tobacco products and related products. ⁶⁴

Country	Description / Details	Official Documents
	<p>expenses related to the lobbying activities or representation of interests of manufacturers, importers, and distributors of tobacco products and their representatives.⁶³</p> <p>(6) De- normalize and regulate its so-called CSR</p> <p>The law of the country prohibits tobacco manufacturers, distributors and importers to sponsor or underwrite events or activities that publicize tobacco products and ingredients.</p>	<p>Decree n° 2017- 279 of March 2n d, 2017 relating to the transparency of the expenses related to the activities of influence or re presentation of interests of the manufacturers, the importers, the distributors of tobacco products and their representatives⁶⁵</p>
Gabon	<p>(3) Reject partnerships and non-binding agreements</p> <p>The country’s tobacco control law provides measures to safeguard tobacco oversight policies from commercial and other interests of the tobacco industry and starts with a vital overarching principle of protection for tobacco control policies.⁶⁶ It includes ban on any partnerships (direct or indirect) between the government and industry.⁶⁷</p> <p>(6) De- normalize and regulate its so-called CSR</p> <p>The law of the country bans financial or other contributions by the tobacco industry. It does not allow engagement in philanthropy or patronage as well as conducting misinformation campaigns.</p>	<p>Law No. 006/2013, Concerning the enactment of measures supporting the campaign for tobacco control in the Republic of Gabon, 2013⁶⁸</p> <p>Decree No. 0285 Concerning Advertising Promotion and Sponsorship of Tobacco Products⁶⁹</p>
Gambia	<p>(6) De- normalize and regulate its so-called CSR</p> <p>The law of the country prohibits all forms of tobacco sponsorship, especially in youth prevention programs or educational campaigns.</p>	<p>Tobacco Control Act, 2016⁷⁰</p>

Country	Description / Details	Official Documents
Ghana	<p>(1) Raise awareness Ghana holds workshops to raise awareness on tobacco industry interference. The Ministry of Health has carried out sensitization activities for customs and immigration officers and all points of entry to create awareness about industry tactics and interference and how to prevent them.⁷¹</p> <p>(2) Limit interactions and ensure transparency of interactions that occur, (4) Avoid conflicts of interest The government has issued guidelines on the composition of its tobacco control committee, developing its Public Health Act, and on proper ways to interact with the industry. The country's tobacco control law stipulates, among others, that "interactions or meetings between public authorities or public officers with a role in tobacco control and the tobacco industry shall be limited to the extent strictly necessary for effective tobacco control and enforcement of relevant laws."⁷² The tobacco industry is prohibited from participating in any meetings or activities on tobacco control.⁷³</p>	Tobacco Control Regulations (L.I. 2247), 2016 ⁷⁴
Honduras	<p>(3) Reject partnerships and non-binding agreements <i>The country's special law on tobacco control bans interference by commercial and other interests linked with the tobacco industry.</i>⁷⁵</p>	Special Tobacco Control Law Approved by the National Congress of Honduras, June 9, 2010, Decree No.92-2010 ⁷⁶
Hungary	<p>(1) Raise awareness The Tobacco Control Focal Point provides information on practices of the tobacco industry.⁷⁷</p>	Document N/A
India	<p>(4) Avoid conflicts of interest The Ministry of Health adopted a Code of Conduct restricting public officials and staff from collaborating with the tobacco industry. Various states and districts have adopted similar policies. The Code includes provisions on limiting interactions with the tobacco industry as well as rejecting partnerships and contributions from the industry.</p>	Code of Conduct for Public Officials in Compliance to Article 5.3 of WHO FCTC ⁷⁸

Country	Description / Details	Official Documents
Iran	<p>(3) Reject partnerships and non-binding agreements The country's tobacco control law prohibits the tobacco industry from attending policy-making sessions on tobacco control.⁷⁹</p>	Comprehensive Act on National Control and Campaign Against Tobacco, 2006 ⁸⁰
Ireland	<p>(1) Raise awareness The government uses letters and warnings to raise awareness on tobacco industry interference.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur Department of Health officials meet with tobacco industry representatives only when such meetings are needed to effectively regulate the latter and advance tobacco control policies.⁸¹ In November 2017, the Minister of State and the Chief Medical Officer sent an open letter to the Taoiseach, all government ministers, and all heads (secretaries general) of government departments, reminding them of the country's obligation under WHO FCTC to implement strict and transparent interactions between the government and industry.⁸²</p> <p>(6) De-normalize and regulate its so-called CSR The country's tobacco control law bans tobacco companies' financial assistance in the promotion of tobacco products.</p>	Public Health (Tobacco) (Amendment) Act 2004 ⁸³
Jamaica	<p>(1) Raise awareness; (2) Limit interactions and ensure transparency of interactions that occur; The government uses letters and warnings to raise awareness on tobacco industry interference. The Ministry of Health tabled a tobacco control bill that, among others, restricts interaction between government bodies and the tobacco industry.</p> <p>The government officials were sensitized on the issue of industry interference, and on the country's obligations under WHO FCTC Article 5.3. Persons who have violated Article 5.3 were informed, and civil society groups share this information to the public.⁸⁴</p>	Jamaica's Proposed Tobacco Control Act, 2020 ⁸⁵

Country	Description / Details	Official Documents
	<p>(4) Avoid conflicts of interest</p> <p>The Ministry of Health has taken steps to ensure that the tobacco industry does not participate in public health policies related to tobacco control. The Ministry of Health successfully removed a tobacco company official from the board of the Bureau of Standards where decisions on labeling of products are made.</p>	
Japan	<p>(4) Avoid conflicts of interest</p> <p>According to Japan's 2010 report on its implementation of Article 5.3, two (2) national laws appropriately regulate commercial and other vested interests of the tobacco industry, namely, Penal Code⁸⁶ and Political Funds Control Act,⁸⁷ which include prohibition on acceptance of consideration in exchange for influence.</p>	<p>Penal Code, Act No. 45 of 1907⁸⁸</p> <p>Political Funds Control Act of 1948 (last amended in 2014)⁸⁹</p>
Kenya	<p>(3) Reject partnerships and non-binding agreements</p> <p>The country's tobacco control law forbids tobacco industry interference and collaboration/ consultation with the industry in preparing and carrying out tobacco control policies.</p> <p>(4) Avoid conflicts of interest</p> <p>The country's tobacco control law disallows any member of the Tobacco Control Board to be linked (directly or indirectly) with the industry or its subsidiaries and requires disclosure of tobacco industry affiliation. Failure to disclose is punishable under the law.⁹⁰</p>	<p>The Tobacco Control Act, 2007⁹¹</p>
Kosovo	<p>(3) Reject partnerships and non-binding agreements</p> <p>The country's tobacco control law forbids partnerships between the government and the tobacco industry.</p> <p>(7) Do not give preferential treatment</p> <p>The same law prohibits any support or privileges given to tobacco businesses.</p> <p>(4) Avoid conflicts of interest</p> <p>It includes provisions that disallow hiring of persons formerly engaged with tobacco companies, and that prohibit government officials from being employed in management positions of tobacco companies within one (1) year after leaving public service.⁹²</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The law also prohibits tobacco industry from stimulating, facilitating and taking part in any sponsorship of events or activities, including</p>	<p>Law No. 04/L-156 on Tobacco Control, 2013⁹³</p>

Country	Description / Details	Official Documents
	receiving sponsorship contributions.	
Kuwait	<p>(3) Reject partnerships and non-binding agreements; (6) de-normalize and regulate its so-called CSR</p> <p>The government prohibits receipt of tobacco industry support for any activities as well as industry sponsorships.⁹⁴</p>	Policy N/A
Laos	<p>(3) Reject partnerships and non-binding agreements; (4) Avoid conflicts of interest;</p> <p>The country's tobacco control law safeguards government officials and public health policies from tobacco industry interference.⁹⁵It prohibits public officers from abusing power and receiving bribes to the detriment of public interest in relation to tobacco control work.⁹⁶</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The law also disallows sponsorships for the interest of tobacco business. It specifically bans CSR programs.</p>	<p>Law on Tobacco Control, 2009⁹⁷</p> <p>Agreement No. 1067/MPH Governing Implementation of the Tobacco Control Act⁹⁸</p>
Latvia	<p>(3) Reject partnerships and non-binding agreements</p> <p>The government does not allow any tobacco industry member/representative to take part in policy development on tobacco control.⁹⁹</p>	Policy N/A
Lebanon	<p>(1) Raise awareness</p> <p>The government uses letters and warnings to raise awareness on tobacco industry interference.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur; (4) Avoid conflicts of interest</p> <p>The government prevented tobacco industry representatives from taking part in parliamentary committee meetings deliberating on a tobacco control legislation.¹⁰⁰ In 2014, the Ministry of Finance had a focal point to serve as information source and as a firewall between the state-owned tobacco monopoly and the Ministry of Public Health and other tobacco control advocates.¹⁰¹</p>	Document N/A

Country	Description / Details	Official Documents
Madagascar	<p>(1) Raise awareness</p> <p>In 2014, the government reported that three (3) national workshops on tobacco industry interference were conducted for ministerial departments, journalists, and NGOs, with the assistance of The Union and WHO. They also used letters to warn against tobacco interference.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>Various government departments were also issued letters enjoining them to identify their interactions and relationships with the tobacco industry.¹⁰²</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The country's tobacco control law bans incentives and sponsorships that publicize sale and use of tobacco products.</p>	Interministerial Order No. 18171/2003 Laying Down the Rules on Industrialization, Importation, Marketing and Consumption of Tobacco Products ¹⁰³
Malaysia	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The country's tobacco control law prohibits any sponsorship, gift, reward, prize or scholarship that can be used to promote tobacco products.</p>	Control of Tobacco Product Regulations of 2004 ¹⁰⁴
Maldives	<p>(5) Require information to be transparent and accountable</p> <p>Tobacco manufacturers and importers need to submit a report to the Ministry that contains information on ingredients, number of products produced/ imported, prices, audit reports and packaging details.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The country's tobacco control law prohibits tobacco industry sponsorship of events and promotional activities that promote tobacco products.</p>	Tobacco Control Act (Act No. 15/2010) ¹⁰⁵
Mali	<p>(5) Require information to be transparent and accountable</p> <p>Tobacco manufacturers and importers need to submit a report to National Committee for Tobacco Control that contains information on ingredients, manufacturer/ importer, brand and country of origin of the product.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The country's tobacco control law prohibits any sponsorship or</p>	Decree No. 2012-343 Determining the Procedures for Implementation of Law No. 10-033 of July 12, 2010, Concerning the Sale and Consumption of Tobacco and Tobacco Products ¹⁰⁶

Country	Description / Details	Official Documents
	<p>promotional activity that promotes use of tobacco products, or the product itself.</p>	
Mauritius	<p>(6) De-normalize and regulate its so-called CSR The country's tobacco control law prohibits sponsorship that may promote tobacco manufacturers, brand names, logos as well as tobacco products.</p>	<p>Public Health (Restrictions on Tobacco Products) Regulations 2008¹⁰⁷</p>
Mexico	<p>(2) Limit interactions and ensure transparency of interactions that occur The Ministry of Health requires its officials to follow the WHO FCTC Article 5.3 Guidelines in all communications and other relations they have with the industry.¹⁰⁸ Upon request, the public can access details of meeting between the government and the industry through the Federal Institute for Access to Information.¹⁰⁹</p> <p>(5) Require information to be transparent and accountable The country's tobacco control law requires "companies producing, importing or trading tobacco products to release information concerning the content of their products to the Ministry of Health, including ingredients and emissions, and their health effects, in accordance with applicable regulations, and to make them available to the general population."¹¹⁰</p>	<p>General Law on Tobacco Control, 2008¹¹¹</p>
Moldova	<p>(1) Raise awareness Under the country's tobacco control law, the Ministry of Health is tasked to raise awareness of tobacco industry tactics.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur The country's tobacco control law safeguards tobacco control policies from commercial and other vested interests of the tobacco industry. One who is to participate in tobacco control policy development and implementation must declare his/her tobacco-related interest in the past twenty-four (24) months.</p> <p>(3) Reject partnerships and non-binding agreements Government officials are prohibited from receiving any form of</p>	<p>Law for amendment and supplementation of certain legislative acts, 2015¹¹²</p> <p>Law No. 278-XVI on Tobacco and Tobacco Products (as amended)¹¹³</p>

Country	Description / Details	Official Documents
	<p>contribution from tobacco companies including retailers. One who has managed or promoted tobacco business in the past twenty-four (24) months is not allowed in tobacco control policy development and implementation</p> <p>(4) Avoid conflicts of interest The country's tobacco control law prevents/ manages conflicts of interest for government officials and employees.</p> <p>(5) Require information to be transparent and accountable The National Public Health Agency requires tobacco manufacturers and importers to submit information on ingredients and quantities with an explanation for their functions, emission levels, toxicological data and details of any sponsorship and charitable activities.</p> <p>(6) De-normalize and regulate its so-called CSR The country's tobacco control law prohibits representatives of the tobacco industry from sponsorship and promotion of any activity that promotes tobacco products and consumption.</p>	
Mongolia	<p>(1) Raise awareness The country's tobacco control law seeks to raise awareness on industry abuses.</p> <p>(3) Reject partnerships and non-binding agreements The country's tobacco control law bans industry partnerships in policy development.</p> <p>(4) Avoid conflicts of interest The country's tobacco control law stipulates that the WHO FCTC will prevail over local laws in cases of conflict, and that its policy is to safeguard public health policies from the negative influences of the tobacco industry.</p> <p>(6) De-normalize and regulate its so-called CSR The tobacco control law forbids industry CSR¹¹⁴ and obliges the government to refuse industry offers of CSR. Government officials that had been involved in setting and implementing tobacco control are prohibited from promoting tobacco industry interests. Citizens and entities have a duty not to receive tobacco industry sponsorship.¹¹⁵</p> <p>(7) Do not give preferential treatment The country's tobacco control law disallows giving of preferential</p>	Law on Tobacco Control (as amended), 2005 ¹¹⁶

Country	Description / Details	Official Documents
	<p>treatment to tobacco industry.</p> <p>(8) Treat state-owned tobacco industry same as others</p> <p>Treatment of the tobacco industry must be the same regardless of ownership.</p>	
Montenegro	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The government prohibits the tobacco industry from funding any CSR activity associated with protection of public health (e.g., concerning promotion, prevention, treatment, and rehabilitation).¹¹⁷</p>	Policy N/A
Myanmar	<p>(1) Raise awareness</p> <p>The Tobacco Control Cell under the Department of Health – Public Health Division organized a national workshop with the goal to increase awareness among government and NGOs on how to tackle the problem of tobacco industry interference. It is now in the process of crafting guidelines and regulations to protect public health policies from the industry’s commercial and vested interests.¹¹⁸</p>	Document N/A
Namibia	<p>(3) Reject partnerships and non-binding agreements</p> <p>The country’s tobacco control law prohibits entities associated with the industry or with tobacco industry interests from joining the Tobacco Products Control Committee.</p> <p>(4) Avoid conflicts of interest</p> <p>The same law has provisions on conflicts of interest.</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The law also prohibits the industry from giving financial support to any organized activity.¹¹⁹</p>	Tobacco Products Control Act, 2010 ¹²⁰
Nepal	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The country’s tobacco control law bans tobacco manufacturers from sponsoring news, programs, information etc. via any event or activity that may promote tobacco products.</p>	Tobacco Product (Control and Regulation) Act, 2010 ¹²¹
Netherlands	<p>(1) Raise awareness</p> <p>The country’s tobacco control law raises awareness about tobacco industry interference that undermines public health efforts.</p> <p>(2) Limit interactions and ensure transparency of</p>	Policy N/A

Country	Description / Details	Official Documents
	<p><i>interactions that occur</i></p> <p>The government is transparent in all interactions with the tobacco industry and, upon request, gives data about the type, incidence of contacts, and entities involved. Overall, it does not meet with the industry to talk about tobacco control policies. It consults the industry only to the extent strictly necessary for the latter's regulation.</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>It does not support any partnership/ agreement with the industry.¹²²</p>	
New Zealand	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The Ministry of Health is transparent in all its dealings with the tobacco industry. Since 2011, it keeps a publicly available online register of meetings it has with the industry, showing the dates of such meetings, participants, and matters discussed.¹²³</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>The Ministry of Health does not have any partnerships with the tobacco industry. In 2010, a Bill sought to discontinue all investments of the Crown financial institutions in tobacco.¹²⁴</p> <p>Additionally, in 2021, the Minister of Trade and Export reportedly expressed that he would withdraw from attending a conference with tobacco sponsorship.¹²⁵</p> <p>(7) Do not give preferential treatment</p> <p>The government does not provide incentives, privileges, benefits or preferential tax exemptions to it.¹²⁶</p>	<p>Ministry of Health, New Zealand, Meetings with tobacco industry representatives¹²⁷</p> <p>Section 35 (Returns and reports), Smoke-free Environments Act 1990¹²⁸</p>

Country	Description / Details	Official Documents
Norway	<p>(4) Avoid conflicts of interest The tobacco control law avoids conflicts of interest for enforcers.¹²⁹ The Norwegian Government decided to divest all its funds from tobacco companies and invest those stocks elsewhere.¹³⁰</p> <p>(6) De-normalize and regulate its so-called CSR The tobacco control law provides for a ban on all tobacco contributions and sponsorships.</p> <p>(7) Do not give preferential treatment In 2014, the Parliament passed ethical standards to prevent the Government Pension Fund Global from investing in tobacco companies.¹³¹</p>	<p>Law amending the Tobacco Control Act (implementation of Directive 2014/40/EC and standardised tobacco packs).¹³²</p> <p>Guidelines for observation and exclusion from the Government Pension Fund Global, 2014¹³³</p> <p>Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (with 2013 amendments)¹³⁴</p>
Oman	<p>(1) Raise awareness The government uses letters as warnings to raise awareness on tobacco industry interference.¹³⁵</p> <p>(3) Reject partnerships and non-binding agreements The Ministry of Health warned all concerned government agencies not to receive assistance and donations from tobacco companies.¹³⁶</p> <p>(4) Avoid conflicts of interest The National Committee for Tobacco Control initiated a conflict-of-interest report form.¹¹⁴</p>	Document N/A
Pakistan	<p>(3) Reject partnerships and non-binding agreements; (6) De-normalize and regulate its so-called CSR The Head of State was reported in the news to have expressly withdrawn participating in a tobacco sponsored media event.¹³⁷</p>	Document N/A

Country	Description / Details	Official Documents
Panama	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The National Commission for the Study of Smoking is responsible for all tobacco industry interactions with the Ministry of Health. Its meetings with the industry are recorded for transparency purposes and are limited only to regulation of the latter.</p> <p>(4) Avoid conflicts of interest</p> <p>The members of the National Commission for the Study of Smoking must not have worked for the industry in the previous three (3) years, nor may they work for the industry within three (3) years after their appointment to the Commission.¹³⁸</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The tobacco control law bans any contribution that promotes a tobacco product, especially cross-border sponsorship.¹⁴⁶</p>	<p>Resolution No.745, 2012¹³⁹</p> <p>Law No. 13 of January 24, 2008 “Which Adopts Measures to Control Tobacco and its Harmful Effects on Health”¹⁴⁰</p>
Paraguay	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The tobacco control law prohibits sponsorship of any event or activity that may tobacco products and use.</p>	<p>Law No. 5538, Official Gazette, Republic of Paraguay¹⁴¹</p>
Peru	<p>(1) Raise awareness</p> <p>According to the Party reports submitted, the Ministry of Justice, together with COLAT (Contribution of the Peruvian Commission Against Tobacco), is scheduled to develop the proposed Supreme Decree "Procedure for the protection of public health public policies related to tobacco control against commercial and other interests".</p>	<p>Document N/A</p>
Philippines	<p>(1) Raise awareness</p> <p>The Philippines government holds workshops, publishes reports and statements on tobacco industry interference. In May 2020, at the height of the COVID-19 pandemic, the Philippines included its Article 5.3 policy in a memo on Interim Guidelines on Tobacco Control in light of the COVID-19 Pandemic (DOH DM 2020) stating that tobacco and vapor products are not to be treated as essential good, reiterating the need to protect public health policy from tobacco industry interference, especially in light of “partnerships and donations pouring in from all sectors.”</p> <p>During the WHO FCTC COP9, the Department of Health issued a</p>	<p>CHED Memorandum Order No 06-2021: Policy and Guidelines on Anti-Smoking and Tobacco Control (2021)¹⁴⁶</p> <p>DOH Department Memorandum (DM) 2020-0246: Interim Guidelines on Tobacco Control in light of the COVID-19</p>

Country	Description / Details	Official Documents
	<p>press release to raise awareness about the harms of the tobacco industry tactics and products and corrected the perception conveyed by members of the Philippine delegation from other sectors, The latter appeared to promote “the interest of the tobacco industries, including those of vapor products and heated tobacco products,” by describing their products “as “salutary” and “source of good”.¹⁴²</p> <p>In 2021, the Commission on Higher Education (CHED) issued a memorandum on tobacco control implementation in public and private colleges and universities which included a provision on the need to raise awareness about tobacco industry tactics.</p> <p>In 2009, the government established a committee on Article 5.3 to harmonize efforts to safeguard public health policies from industry interests. The committee included the Presidential Anti-Graft Commission and has representatives coming from the public sector and civil society.^{143 144}</p> <p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The government adopted special Codes of Conduct for preventing unnecessary interactions and ensuring transparency of any interaction deemed necessary.</p> <p>When a meeting is absolutely necessary, civil society organizations (CSOs) should be summoned to the meeting, and the same should be recorded and made publicly available, as per WHO FCTC guidelines.</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>The Department of Health (DOH) adopted a Department Memorandum (DM) to ensure that all health agencies abide by a more stringent code when it relates to the industry. The DM requires all contracts of agencies to contain the clause: “We do not deal with the tobacco industry.”</p> <p>(4) Avoid conflicts of interest</p> <p>The government adopted special Codes of Conduct for dealing with the tobacco industry for purposes of protecting all civil servants from industry interference, particularly to avoid conflicts of interest (DOH CSC JMC 2010).</p> <p>The Civil Service Commission (CSC) and the Ombudsman, both constitutional commissions, have the jurisdiction to adjudicate any</p>	<p>Pandemic¹⁴⁷</p> <p>DOH DM 2020-0156: Submission of Declaration of Interest relative to the acceptance of donations, assistance and partnerships in compliance with the CSC DOH JMC¹⁵⁵</p> <p>CSC-DOH JMC2010-01: Protection of the Bureaucracy against Tobacco Industry Interference, 2010¹⁴⁸</p> <p>DOH DM No. 2010-0126, Protection of the Department of Health, including all of its Agencies, Regional Offices, Bureaus or Specialized/ Attached Offices/ Units, against Tobacco Industry Interference¹⁴⁹</p> <p>(For other issuances, see section on Case Studies: Philippines)</p>

Country	Description / Details	Official Documents
	<p>case of violations of the Code, which was a result of the joint initiative of the DOH and CSC (For more details, see section on Case Studies: Philippines).</p> <p>(5) Require information from the tobacco industry At the height of the pandemic when tobacco industry donations were reportedly offered through third parties,¹⁴⁵ DOH memo (DOH DM 2020-156) required all potential donors to submit a Declaration of Interest (DOI) form to assist in identifying tobacco industry links of potential donors.</p> <p>(6) De-normalize and regulate its so-called CSR The Department of Health issued a memo in 2010 to guide health officials in government in implementing Article 5.3 (DOH DM No. 2010-126). The memo includes an Annex on how to denormalize so-called CSR of the industry which includes denouncing the offer/ contribution publicly. The Interim Guidelines (DOH DM 2020-246) issued during the pandemic included reminders about rejecting partnerships and donations in accordance with the DOH DM 2010-126 and CSC DOH-JMC and requiring DOIs in accordance with DOH DM 2020 156. The 2021 CHED memo specifically prohibits the failure to report tobacco industry interference activities in schools and the acceptance of tobacco contributions, including those “coursed through third parties in the guise of projects”</p> <p>7) Do not give preferential treatment The CHED memo also prohibits extending preferential treatment in favor of the tobacco industry</p>	
Poland	<p>(1) Raise awareness The government uses letters as warnings to raise awareness on tobacco industry interference. The Ministry of Health raised awareness among all Chancellors, Vice Rectors, and Deans of Medical Schools in Poland about the PMI-funded Foundation for a Smoke-Free World (FSFW), in accordance with the WHO FCTC Article 5.3.¹⁵⁹</p> <p>(3) Reject partnerships and non-binding agreements (6) De-normalize and regulate its so-called CSR The Ministry of Health declared that it will not consider for policy</p>	Ministry of Healthletter to Chancellor, ViceRectors, and Deans, January 09, 2018 ¹⁵⁰

Country	Description / Details	Official Documents
	development or legislation any research receiving support from FSFW.	
Portugal	<p>(4) Avoid conflicts of interest</p> <p>The government prohibits all members of the National Scientific Tobacco Prevention Board from having any conflicts of interest with the tobacco industry.¹⁵¹</p>	Policy N/A
Qatar	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The law bans tobacco industry sponsorship of events and activities.</p>	Law No. 10 of 2016 on the Control of Tobacco and Its Derivatives ¹⁵²
Russia	<p>(1) Raise Awareness</p> <p>The tobacco control law requires raising awareness not only of tobacco harms but also of tobacco industry.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur;</p> <p>The tobacco control law requires that interactions with the tobacco industry should be done in public, and that industry appeals and answers to the same should be placed on the official websites of state authorities and local governments.¹⁵³ It obliges public authorities and local governments to ensure accountability and transparency in their interactions with the industry.¹⁵⁴</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The tobacco control law calls for a ban on tobacco industry sponsorship.</p>	Federal Law N15-FZ “On Protecting the Health of Citizens from the Effects of Second Hand Tobacco Smoke and the Consequences of Tobacco Consumption,” 2013 ¹⁵⁵
Saint Lucia	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The government refuses to engage tobacco industry representatives in dialogues on development and implementation of tobacco control policy.¹⁵⁶</p>	Document N/A

Country	Description / Details	Official Documents
Senegal	<p>(2) Limit interactions and ensure transparency of interactions that occur Since 2012, the Ministry of Health no longer has contact with the industry.¹⁵⁷</p> <p>(6) De-normalize and regulate its so-called CSR The country's tobacco control law forbids tobacco industry interference in national health policies and bans tobacco sponsorship.</p>	Law No. 2014-14 concerning the manufacture, packaging, labeling, sale and use of tobacco 2014 ¹⁵⁸
Serbia	<p>(2) Limit interactions and ensure transparency of interactions that occur The government prohibits health care institutions from receiving any support from the tobacco industry.</p> <p>(4) Avoid conflicts of interest Members of the Council for Tobacco Control and National Committee are not allowed to have any form of relations with the industry that can be viewed as creating a conflict of interest, and all are required to sign a declaration of interests.¹⁵⁹</p> <p>(6) De-normalize and regulate its so-called CSR The government disallows industry sponsorship of tobacco control activities.</p>	Policy N/A
Seychelles	<p>(5) Require information to be transparent and accountable The country's tobacco control law requires tobacco manufacturers, importers, and exporters to regularly report on their sales and other relevant information. Specifically, it requires them to submit to the Board every quarter information on amount and selling price of tobacco products, copies of outer packaging of units for sale, information on country from which tobacco products were imported or exported and measures of constituents.¹⁶⁰</p> <p>(6) De-normalize and regulate its so-called CSR The law bans all forms of tobacco sponsorship, including cross-border sponsorship.¹⁶³</p>	Tobacco Control Act, 2009 ¹⁶¹

Country	Description / Details	Official Documents
Singapore	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The Health Promotion Board has established guidelines governing interactions with the tobacco industry. Deliberations adhere to an agreed agenda and proceedings of meetings with the industry are recorded.¹⁶²</p>	Policy N/A ^{***}
Spain	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The law prohibits all forms of tobacco sponsorship.</p>	Law 28/2005 on health measures regarding smoking and its sales regulation, supply, use and advertising of tobacco products (as amended by Law 42/2010) ¹⁶³
Suriname	<p>(6) De-normalize and regulate its so-called CSR</p> <p>The law prohibits all forms of tobacco sponsorship.¹⁶⁷</p>	Act of February 20, 2013 Laying Down Rules Limiting the Use of Tobacco and Tobacco Products (Tobacco Act) ¹⁶⁴
Thailand	<p>(1) Raise Awareness</p> <p>Thailand has public education on tobacco industry tactics and community campaigns for countering these, which prohibits the advertisement of tobacco products.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>Bureau of Tobacco Control OPTC has Regulation for officials in interacting with the TI-no dialogue with the TI in policy development on tobacco control, no meeting between TI representative and the Minister or officials of the Ministry of Public Health, except for implementation of Tobacco Control Law.</p> <p>(3) Reject partnerships and non-binding agreements</p> <p>There is clear policy on exclusion of TI-affiliated organizations involvement in all tobacco control processes.</p> <p>(4) Avoid conflicts of interest</p> <p>The law provides that direct or indirect interest in the tobacco trade disqualifies one from being a member of the National Tobacco</p>	<p>The Tobacco Products Control Act of A.D. 2017¹⁶⁸</p> <p>Regulation of Department of Disease Control Re: How to Contact Tobacco Entrepreneurs and Related Persons B.E. 2553 (2010)¹⁶⁹</p> <p>Code of conduct for public officials by Promulgation the Regulation of Department of Disease Control on Interacting with Tobacco Entrepreneurs</p>

Country	Description / Details	Official Documents
	<p>Product Control Board.¹⁶⁵ Moreover, the Department of Disease Control has a Regulation safeguarding it from industry interference.^{166,141}</p> <p>(5) Require information to be transparent and accountable</p> <p>The law requires the tobacco industry to submit information on its marketing revenues, and industry interference or contributions.^{167, 142}</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>Since July 2017, the government has comprehensively banned the tobacco industry's so-called CSR activities, covering tobacco advertising, promotions, and sponsorship, except humanitarian ones. Thailand has also banned announcement or make publicity of sponsorship or other activities by tobacco companies.</p> <p>(8) Treat state-owned tobacco industry same as others</p> <p>Tobacco Authority of Thailand (TOAT), the tobacco state enterprise, is treated in the same way as other tobacco industries.</p>	<p>and Related Persons (2016) (B.E.2559)¹⁷⁰</p> <p>Notification of the Ministry of Public Health</p> <p>Re: Criteria, Methods and Conditions for Information Submission by Manufacturers or Importers Engaging in Sale of Cigarette Tobacco Products in the Kingdom 2019 (B.E. 2562)¹⁷¹</p>
Togo	<p>(6) De-normalize and regulate its so-called CSR;</p> <p>The country's tobacco control law prohibits sponsorship for tobacco and its derivatives (and not just cigarettes) by the tobacco industry and related entities. Youth tobacco prevention programs and philanthropic activities are specifically prohibited.^{176,177}</p> <p>(7) Do not give preferential treatment</p> <p>The country's tobacco control law prohibits granting of financial benefits (e.g., subsidies, incentives, and tax exemptions) to tobacco companies.¹⁷²</p>	<p>The Law Concerning the Production, Sale and Consumption of Tobacco and its Derivative Products, 2010¹⁷³</p> <p>Decree No. 2012-072 Concerning the Prohibition of Advertising, Promotion and Sponsorship of Tobacco and its Derivative Products in Togo¹⁷⁴</p>
Turkey	<p>(1) Raise Awareness</p> <p>Ministry of Health and WHO had organized in October 2016 a workshop on the implementation of FCTC Art 5.3.</p> <p>(4) Avoid conflicts of interest</p> <p>In 2014, the Ministry of Health and the National Regulatory Agency adopted its internal code of practice reflecting all principles of the guidelines for Article 5.3 implementation.¹⁷⁵</p>	Policy N/A

Country	Description / Details	Official Documents
Turkmenistan	<p>(5) Require information to be transparent and accountable The country’s tobacco control law requires information from the tobacco manufacturers and importers ingredients of tobacco products, specifically harmful substances in cigarettes.</p> <p>(6) De-normalize and regulate its so-called CSR; The law prohibits all forms of tobacco sponsorship.</p>	Law on Protecting the Health of Citizens from the Effects of Tobacco Smoke and the Consequences of Tobacco Product Consumption ¹⁷⁶
Uganda	<p>(2) Limit interactions and ensure transparency of interactions that occur The country’s tobacco control law established the duty of government to safeguard tobacco control policies from tobacco industry interference and to ensure transparency of any interactions with it.</p> <p>(4) Avoid conflicts of interest A person who has engaged in any occupational activity with the tobacco industry within less than two (2) years is not allowed to hold a position that has a bearing on tobacco control policy.</p> <p>(5) Require information to be transparent and accountable The law also requires periodic reporting and provides a list of information required.</p> <p>(6) De-normalize and regulate its so-called CSR Furthermore, the law prohibits partnerships and endorsements of the industry and voluntary industry contributions.¹⁷⁷</p> <p>(7) Do not give preferential treatment The law prohibits giving of incentives or privileges to the tobacco industry.¹⁷⁸</p>	Tobacco Control Act, 2015 ¹⁷⁹
Ukraine	<p>(1) Raise Awareness The country’s tobacco control law puts primacy on public health policy over financial, tax, and corporate interests involving the tobacco industry. It calls on individuals and citizens’ groups not associated with the industry to be involved in policies on reducing consumption of tobacco products.¹⁸⁰</p>	Law of Ukraine on Measures for the Prevention and Reduction of the Use of Tobacco Products and their Harmful Impact on the Health of the

Country	Description / Details	Official Documents
	<p>(6) De-normalize and regulate its so-called CSR The law disallows tobacco sponsorship and political contributions of tobacco industry to individuals or political parties.¹⁸¹</p>	<p>Population, 2005 (with amendments in 2006, 2009, 2010)¹⁸²</p> <p>Law of Ukraine on the Introduction of Changes to Some Legislative Acts of Ukraine on the Prohibition of the Advertising, Sponsorship and Promotion of the Sale of Tobacco Products, Art. 3(2), 2011¹⁸³</p>
United Kingdom	<p>(1) Raise awareness Government Departments frequently recirculate guidance on Article 5.3. Initial high-level briefing has been given to all Ministers, raising awareness of requirements of the guiding principles of FCTC.</p> <p>(2) Limit interactions and ensure transparency of interactions that occur The government is obligated to disseminate details of all policy-related meetings of its various departments with the tobacco industry, e.g., HM Revenue and Customs publishes online the details of its meetings with the industry.¹⁸⁴ The exception is for commercially or operationally sensitive information.</p> <p>In 2009, the Secretary of State for Health brought to the attention of the Prime Minister and Cabinet colleagues the country's obligation to implement Article 5.3.¹³⁶ In addition, the government's tobacco control plan seeks, among others, to protect the government's tobacco control strategies from vested interests.¹⁸⁵</p> <p>In 2013, the Department of Health issued its revised guidelines to clarify that those serving in foreign posts should limit interactions with the industry, and to ensure transparency in their dealings with the latter.¹⁸⁶</p> <p>(3) Reject partnerships and non-binding agreements The Welsh Government does not engage with the tobacco industry.</p> <p>(5) Require information to be transparent and accountable</p>	<p>Tobacco Control Department of Health, Healthy Lives, Healthy People: A Tobacco Control Plan for England, 2011¹⁸⁸</p> <p>United Kingdom's Revised Guidelines to Overseas Posts on Support to the Tobacco Industry, 2013¹⁸⁹</p> <p>Policy: Protocol for engagement with stakeholders with links to the tobacco industry¹⁹⁰</p>

Country	Description / Details	Official Documents
	<p>The government website publishes notices and minutes of any necessary meetings conducted with the tobacco industry. Letters between the Department of Health and Social Care and the vaping industry association are also published.¹⁸⁷ There are currently more than 180 documents available to the public, maximizing transparency in its dealings with the tobacco industry, in accordance with Article 5.3 of the WHO FCTC.</p> <p>In addition, in light of policy development around tobacco products and novel tobacco products, Public Health England (PHE) issued a protocol to guide it in its engagements with stakeholders to ensure that tobacco policies are protected from tobacco industry interference. This applies to all commercial stakeholders particularly manufacturers of nicotine products and uses the same transparency measures applied to the tobacco industry such as ensuring transparency of all the meetings anticipated.¹⁹⁹</p>	
Uruguay	<p>(2) Limit interactions and ensure transparency of interactions that occur</p> <p>The government restricts its interactions with the tobacco industry only to the extent necessary for its regulation. Civil society representatives are invited when the government holds meetings with the industry.¹⁹¹</p> <p>(6) De-normalize and regulate its so-called CSR</p> <p>The law does not allow the tobacco industry to participate in or sponsor national or international, cultural, sports, or any other kinds of activities.¹⁹²⁻¹⁹⁵</p>	<p>Law No. 18,256, Smoking Control Regulations, 2008¹⁹³</p> <p>Law No. 19.244 Amending Law No. 18.256¹⁹⁴</p>
Vietnam	<p>(1) Raise awareness</p> <p>The government uses letters as warnings to raise awareness on tobacco industry interference.</p> <p>(3) Reject partnerships and non-binding agreements; (6) De-normalize and regulate its so-called CSR</p> <p>The Ministry of Health issued a memo calling on the government, local government, and mass organizations to coordinate the implementation of the WHO recommendation and to inform governments and health communities not to cooperate with the Foundation for a Smoke-Free World.</p>	<p>Ministry of Health memo re WHO recommendation and non-cooperation with the PMI-funded Foundation for a Smoke-Free World, November 28, 2017¹⁹⁵</p>

Country	Description / Details	Official Documents
Venezuela	(6) De-normalize and regulate its so-called CSR The law prohibits all forms of tobacco sponsorship. The law specifically prohibits actions performed in the name of corporate social responsibility.	Resolution No. 071 of July 18, 2019 on Comprehensive Ban on Tobacco Advertising, Promotion and Sponsorship ¹⁹⁶

Public information on implementation of Article 5.3 is scant. The following Parties indicated having initiated its implementation, but further details were not available online:

Table 2. Countries that Initiated Article 5.3 Implementation

Country	Brief Description
Czech Republic	The government approved a Code of Ethics that governs the conduct of all government officials and employees. ¹⁹⁷
Ecuador	The government initiated a legislation with unequivocal measures to protect against tobacco industry interference. ¹⁹⁸

Gaps in Reporting

Parties to the WHO FCTC may have omitted reporting on common forms of Article 5.3 implementation, such as the Ministry of Health’s efforts of raising awareness of tobacco industry tactics or the banning of so-called CSR of the tobacco industry.

A large number of Parties are known to have a partial or complete ban on so-called CSR of the tobacco industry, but many of these were not reported as part of Article 5.3 implementation. Table I is augmented with pertinent information where the law provided for an absolute ban and/or suggest that any person, including public officials, are prohibited from receiving sponsorship.

In many cases, Parties reported that they have excluded tobacco industry from policy development. This was classified as a means to “reject partnerships/ non-binding agreements with and policy contributions of the tobacco industry,” although many of these efforts are

limited to the ministries of health and not to the rest of the government such as parliament where lobbying is strongest. A vast majority of parties' reports do not elaborate on codes of conduct or governance laws that apply to non-health government officials, or how an existing general code of conduct, has been or may be used to counter tobacco industry interference.

A handful of Parties currently maintain a transparency register or lobby register required under election or transparency laws, but not all of them mentioned the register in their reports on treaty implementation. Countries that maintain a register of lobbyists include:

Table 3. Countries that maintain a register of lobbyists

Country	Lobby Register
Australia	Australian Government Register of Lobbyists, Attorney-General's Department, Australian Government ¹⁹⁹
Canada	Registry of Lobbyists, Office of the Commissioner of Lobbying of Canada ²⁰⁰
European Union	European Union Transparency Register ²⁰¹
France	Lobbying Directory, High Authority for the Transparency of Public Life, France ²⁰²
Ireland	Ireland Register of Lobbyists ²⁰³
United Kingdom	UK Lobbying Register ²⁰⁴

Notably, the least reported areas of Article 5.3 implementation are:

- a. Require information from the tobacco industry to be transparent and accountable

This shines a light on the need for ministries of health to exert their regulatory authority and to demand transparency and accountability from the tobacco industry. Learnings from the French case study (see Sub-section 2, Chapter II, Title I, Book V, Part III of the Public Health Code²⁰⁵), suggest the need to strengthen the role and monitoring mechanisms of civil society groups in order to allow them to support government efforts in requiring information and accountability from the industry.

- b. Do not give preferential treatment to the tobacco industry

This highlights the need for further engagement with other sectors such as economic planning departments as well as ministries of trade and investment and related sectors to

assist in implementing Article 5.3. An example is a policy of the United States on ensuring that no government funds should be used to and no public official in the executive agency should promote the export and sale of tobacco products.^{206,207}

In contrast, the most frequently reported areas of Art 5.3 implementation are efforts to “limit interaction with the tobacco industry” and “avoid conflicts of interests”, but these policies or practices mostly refer to efforts of the ministries of health or the national tobacco control councils, and no other sectors which the tobacco industry is actively influencing. Policies that cover all civil servants (Australia, Philippines, Uganda), leverage on existing anti-corruption laws and integrity programs (Philippines), addresses officials outside the health sector (Australia), and/ or that legislates specific obligations for public officials (Uganda) take into account the whole of sector approach in tobacco control by involving the non-health sector.

Article 5.3 can be better implemented with a comprehensive policy on Art 5.3, ideally in the form of legislation, that provides for all the recommendations in the Guidelines to apply across all government sectors. Such policy can also significantly help close the gaps in reporting.

B. Case Studies

This section features how some governments are using WHO FCTC Article 5.3 and its Guidelines to address tobacco industry interference.

I. Philippines: Incorporating Article 5.3 into the Civil Service Rules

The Philippines paved the way for countries looking to incorporate WHO FCTC Article 5.3 Guidelines into national policy. On June 24, 2010, the Philippine Civil Service Commission (CSC), a constitutional body that serves as the human resource arm of the government, and the Department of Health (DOH) announced a Joint Memorandum Circular (JMC) to protect the bureaucracy against tobacco industry interference.²⁰⁸

The JMC closely follows WHO FCTC Article 5.3 Guidelines. It prohibits government workers from interacting with the tobacco industry, except when strictly necessary for the latter’s effective regulation, supervision, or control.²⁰⁹ The JMC includes a code of conduct, a monitoring/ reporting process, and administrative sanctions. In 2016, the CSC issued a reminder elaborating on the JMC: a Memorandum Circular prohibiting all government offices from soliciting or accepting gifts from the tobacco industry.²¹⁰

The JMC was the first of its kind in the country as it provides special rules on how public officers must conduct themselves when it comes to the tobacco industry. In the same way that no other commercial industry relating to a consumer product has ever been isolated and denounced through a treaty, no other commercial industry has been accorded such a unique treatment in the country. Those representing the interests of the tobacco industry continue to vigorously attack the JMC during budget hearings, calling for its revocation invoking the industry’s rights as a “stakeholder.”²¹¹

For the development of the policy, a multi-sectoral group comprised of the ministry of health, the civil/public service commission, anti-graft office, civil society groups, and the academe undertook around eighteen (18) months of consultations that started with the first meeting on Article 5.3 sponsored by the Southeast Asia.

Tobacco Control Alliance (SEATCA).²¹² The think tank Health Justice consistently organized the meetings and reported on monitored tobacco industry tactics in media, noting that the most popular forms of tobacco industry interference pertain to the industry's engagements with and so-called CSR contributions to the Department of Education (DepEd), Department of Environment and Natural Resources (DENR), and the Bureau of Internal Revenue (BIR).²¹³

The tobacco control law, reportedly the outcome of strong tobacco industry influence in 2003, provides for a partial sponsorship ban limited only to sports, culture, concert, and other youth activity, thus creating a loophole for industry contributions on other areas, e.g., during natural calamities; contributions for the environment and children's education, etc.

It also provides for an interagency committee that includes various government agencies and a representative from a tobacco industry research institution.^{214 215} Partly because of the failure to come to consensus during the interagency meetings and, in later years, due to the JMC, government executives are careful about ensuring that such interagency meetings comply with the JMC, in terms of ensuring transparency, limiting such interactions, avoiding meetings that are not necessary for regulation, and rejecting any contributions from the tobacco industry.²¹⁶

Despite the challenges of the tobacco control law, as of 2018, several national government agencies and local governments have issued memos to raise awareness of the JMC including:

- Department of Education (DepEd): In 2012, DepEd issued a circular that restricts interaction of its officials with the tobacco industry and includes a prohibition of the tobacco industry contributing funds to educational institutions.²¹⁷ In 2016, it issued its Policy and Guidelines on Comprehensive Tobacco Control expanding its scope to cover private schools.²¹⁸
- Bureau of Internal Revenue (BIR): In 2012, BIR issued Memo No. 16-2012 adopting the JMC and indicating that violation of its provisions would constitute grave misconduct.²¹⁹
- Department of Foreign Affairs (DFA): As an effort to protect the Conference of the Parties (COP) against tobacco industry interference, the DFA issued a memorandum in 2013 to remind all foreign serviceposts, including regional consular offices, "of the general prohibitions of the JMC and code of conduct that should be followed in case interactions are strictly necessary for regulation."²²⁰
- Department of Environment and Natural Resources (DENR): In 2018, consistent with the administration leadership's penchant for tobacco control and environmental protection, DENR issued a memo adopting the JMC, effectively reminding environment officials that receiving so-called CSR of the tobacco industry is punishable through administrative measures.²²¹

Subsequently, in May 2020, at the height of tobacco donations in light of the COVID-19 pandemic, the DOH issued a memorandum containing guidelines on tobacco control during the COVID-19 pandemic, which emphasized on the need to reiterate tobacco control as well as promote tobacco cessation. It clearly stated the need for cessation of all forms of tobacco and placed a restriction/ ban on different forms of tobacco and vapour products. It declassified tobacco and vapour products as essential goods and raised awareness on the harmful relation between tobacco and COVID-19. Additionally, it banned tobacco industry partnerships, sponsorships and donations related to the pandemic. It reminded officials that they are prohibited from accepting any donations or gifts from the tobacco industry and required all donors to accomplish a Declaration of Interest (DOI) form based on a previous issuance made to respond to the private sector donations that were pouring in, some of which included third parties linked to tobacco companies.²²²

Notably, over the past 10 years, various agencies and units released a total of over 70 issuances that are aligned with Article 5.3. These include around 25 national government agencies ranging from Department of Social Welfare & Culture to Department of Revenue & Customs. Some Article 5.3 issuances from various Government Units or Agencies ranging from a time period of 2010-2021 are mentioned herewith.

Government Unit/Agency	Policy Name	Date
Food and Drug Administration (FDA)	• DOH Department Memorandum No. 2010-	6-May-10
Department of Science and Technology (DOST)	• Memorandum (<i>Commitment to the</i>	25-May-10
Food and Drug Administration (FDA)	• DOH Department Circular No. 2011-0101	22-Mar-11
Department of Education (DepEd)	• DepEd Order No. 6, s. 2012 (<i>Guidelines on the</i>	18-Jan-12
Department of Labor and Employment (DOLE)	• Memorandum (<i>Civil Service Issuances on</i>	30-May-12
Bureau of Customs	• Customs Memorandum Circular No. 127-2012	14-Jun-12
Department of Interior and Local Government Region III (DILG)	• Regional Order No. 2012-145 (<i>Creation of</i>	9-Jul-12
Development Academy of the Philippines (DAP)	• Memorandum Circular No. 2012-015 (<i>Smoking</i>	12-Dec-12
Department of Foreign Affairs (DFA)	• Memorandum (<i>CSC-DOH Joint Memorandum</i>	24-May-13
Metro Manila Development Authority (MMDA)	• Memorandum (<i>Amended Code of</i>	20-Aug-13
Commission on Audit (COA)	• Memorandum (<i>Joint Memorandum Circular</i>	12-Sep-13
Department of Justice (DOJ)	• Department Circular No. 080 (<i>Protection of the</i>	23-Oct-13
Biñan City Jail, Bureau of Jail Management and Penology,	• Biñan City Jail in Biñan City, Laguna issued a	9-Dec-13
Department of Finance (DOF)	• Revenue Memorandum Order No. 28-2014	15-Jul-14
Governance Commission for Government Owned and Controlled	• Protection of the Governance Commission	25-Aug-14
Civil Service Commission (CSC)	• Office Memorandum No. 76, s. 2014	Dec-14
Department of Social Welfare and	• DSWD Memorandum from the Secretary CSC-	8-Mar-16
Bureau of Fire Protection National Headquarters (BFP)	• Memorandum (<i>Protection of the</i>	16-Mar-16
Office of the Ombudsman	• Office Circular No. 13 s, 2016 (<i>Implementation</i>	13-Apr-16
Department of Environment and Natural Resources (DENR)	• DENR Memorandum Circular 2018-12	13-Sep-18
Department of Tourism (DOT)	• Office Circular No. 2019-01 (<i>Adoption and</i>	23-Jan-19
National Commission for Culture and Arts (NCCA)	• Memorandum Order-Office of Executive	28-May-19
Commission on Higher Education (CHED)	• CHED Memorandum Order No. 06, s. 2021	May-21
Career Executive Service Board (CESB)	• Resolution no. 1223 (<i>Guidelines requiring full</i>	

Source: Private communications with Health Justice, a leading NGO in the Philippines that monitors tobacco industry interference.

2. Thailand: Treating State-Owned Enterprises the Same Way

Although the Thai Tobacco Monopoly (TTM) is a state-owned enterprise, Thailand has demonstrated that it needs to halt any possible avenue for tobacco industry interference, and that its state-owned tobacco enterprise is to be treated in the same way as any other tobacco industry.

As early as 2010, the Ministry of Health (MOH) adopted a regulation to protect its Department of Disease Control from tobacco industry interference.²²³ Through a cabinet decision in 2012, Thailand prohibited the acceptance of all forms of contributions from TTM, including offers of assistance, policy drafts, or study visit invitations to the government and its officials.²²⁴ In practice, TTM is not included in any MOH-hosted meetings to develop tobacco control policy.²²⁵

In July 2017, Thailand adopted a comprehensive ban on tobacco-related CSR activities, covering tobacco advertising, promotions, and sponsorship.²²⁶ This law requires tobacco manufacturers and importers to submit reports annually on their marketing expenses, revenues, lobbying activities, and contributions.²²⁷ The Tobacco Products Control Board is authorized to require, as needed, further information from the tobacco industry to be used as evidence for tobacco control policy development. Recruited expert committee members cannot own or be a related person or a stakeholder in a business involving tobacco products, whether directly or indirectly.²²⁸

3. France: Requiring Information from the Tobacco Industry

In addition to requiring the tobacco industry to disclose its ingredients or product contents to regulatory authorities, the French law requires, under pain of penalty, an annual report from manufacturers, importers, and distributors of tobacco products, as well as companies, professional organizations or associations representing them, on lobbying as well as benefits, in kind or cash, directly or indirectly, given to public officials.²²⁹ Information includes the number of staff working on lobby or influence activities, names of consultants hired, amount spent, and name of beneficiaries. Through a Decree,²³⁰ the MOH has provided a format for the report, submission details, and the conditions on making the information publicly available on the website, while CSOs vigilantly monitor the reports.

Feedback from a civil society representative²³¹ monitoring the implementation of the afore-stated policy revealed that:

- The policy was adopted after many years of advocacy and exposé of tobacco industry tactics by civil society groups, especially by the National Committee for Tobacco Control with the collaborative work of journalists, researchers, along with the firm commitment and support of MOH.
- During the development of the policy, the tobacco industry already had a sordid reputation due to efforts in exposing tobacco industry tactics, and it did not challenge transparency rules.
- The tobacco industry's response may have been influenced by the fact that the then proposed transparency rules had already been applied to pharmaceutical industry.
- The publicly accessible information is used by journalists as a resource.
- Although the policy greatly assists in monitoring of tobacco industry tactics, accuracy of industry's report could not be determined and interference remains a challenge especially in the areas of illicit trade protocol, taxation, etc., as the tobacco industry uses many third parties for its lobbying activities.

The following are some features of the French policy:

- a. Definition of lobbying or related expenses: The following are considered expenses related to activities of influence or representation of interests and must be reported by tobacco manufacturers, importers, and distributors:
 1. “The remuneration of personnel employed in whole or in part to exercise influence or interest representation activities;
 2. Purchases of services from consulting firms in influential or interest representation activities;
 3. Benefits in kind or in cash, in any form whatsoever, directly or indirectly, the value of which exceeds 10 €, provided to:
 - a. Members of the Government;
 - b. Members of ministerial offices or collaborators of the President of the Republic;
 - c. Collaborators of the President of the National Assembly or the President of the Senate;
 - d. Parliamentarians;
 - e. Persons entrusted with a public service mission which their mission or the nature of their function calls for taking or preparing the decisions and opinions of the public authorities relating to tobacco products;
 - f. Experts, natural or legal persons, appointed by agreement with a public person, to advise on behalf of a public person whose mission it is to take or prepare the decisions and opinions of the authorities public information on tobacco products.”²³²
- b. Penalties: The law provides for a fine of €45,000 in case of failure to comply with the reporting requirement or to knowingly omit making public the pertinent expenses. The fine is imposed on manufacturers, importers, and distributors of tobacco products, as well as companies, professional organizations or associations representing them, e.g., consulting firms, etc.
- c. Enforcement: The law provides that consumer associations as well as long-standing (at least 5 years old) tobacco control civil society groups can file civil suits for violations of the reporting requirement.²³³

4. Uganda: Incorporating Article 5.3 into National Law

Uganda’s government has developed measures to embed the letter and spirit of WHO FCTC Article 5.3 in its national legislation and policy process. On 28 July 2015, its Parliament passed a comprehensive, WHO FCTC-compliant tobacco control law, with a whole section covering Recommendations 2-4, 7 of the Article 5.3 Guidelines.²³⁴

The law contains provisions banning all forms of tobacco sponsorships and requiring submission by a tobacco manufacturer, distributor, supplier or importer of detailed information on a periodic basis or upon request.²³⁵ Failure to comply with the law leads to a fine and imprisonment not exceeding six (6) months²³⁶ The law has an extensive annex (20 items) elaborating on the information to be provided by the tobacco industry (see Sixth Schedule)²³⁷, and regulations will be developed to make the information available and accessible to the public.

Any person providing partnerships and endorsements of the tobacco industry, receiving voluntary contributions from it, and giving incentives or privileges, is considered to have committed an offense and is liable to cancellation of partnership or endorsement or memorandum of understanding, forfeiture of the contribution made, and revocation on any benefit, incentive, privilege or preferential tax exemptions.²³⁸

For violating the conflict-of-interest provisions, a private or public person may suffer a penalty that includes a fine and imprisonment of up to five (5) years. In addition, the person can be accountable for compensation for losses suffered by the government or public body through a civil law procedure.²³⁹

Conflict of interest

Conflict of interest provisions apply to anyone who contributes to or may contribute to the development of “public health policies on tobacco control.” Conflicts arise where one deals with a matter where he has interest and is in a position to influence the matter directly or indirectly; the service he offers to another is in conflict with his duties due to his official position; and, he solicits or receives a bribe for his actions.²⁴⁰ In addition to requirement of disclosure of former tobacco industry work, there is a two (2) years gap before assigning one who has worked in the tobacco industry to contribute to policy development. Also, one is allowed to take up tobacco industry occupation only two (2) years after leaving public service, and a confidentiality clause shall apply to the said person.²⁴¹

The MOH harnessed support of civil society groups and identified civil society allies to the national committee. Civil society groups established a tobacco industry monitoring team, provided effort into drafting to ensure the provisions will be enforced, and provided support to ensure that Article 5.3 provisions are included in the first working draft and are maintained in the bill at every stage.²⁴²

Tobacco Industry Challenge via Litigation

The tobacco industry challenged four (4) of the aforementioned provisions pertaining to Article 5.3, and sought a preliminary injunction on:

1. The two (2) years gap after public service or tobacco industry employment in relation to tobacco control policy contribution. BAT argued that this would discriminate against tobacco industry employees and create an unfair barrier to further employment.
2. Penalty clauses for violations of conflict-of-interest rules (fine, imprisonment up to 5

years, damages). BAT contended that these are harsh, unreasonable, and disproportionate, and contravenes practice of lawful trade or occupation guaranteed by the constitution.

3. Conflict of interest provision relating to compensation for losses and its execution shall be deemed a decree under the Civil Procedure Act. BAT argued that this is unreasonable.

4. “A person, body or entity that contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control” shall not provide preferential treatment, investment in tobacco venture, establish a tobacco business (wholesale, manufacturing or import, given any incentive to any phase of tobacco growing and tobacco product production or marketing. BAT claims that the coverage is broad and covers the entire arm of government: the executive, legislature, and judiciary, and that the provision discriminates against entities doing lawful business, trade, and occupation within the tobacco industry.

5. Australia: Providing Guidance in accordance with Article 5.3 Guidelines and Extending Article 5.3 to New and Emerging products

In November 2019, Australia issued “Guidance for Public Officials on Interacting with the Tobacco Industry “ addressing all sectors of the Australian Government as part of a comprehensive strategy of tobacco control. The policy/ guidance covers vaping industry in addition to the tobacco industry, based on the rationale that there is “increasing integration between their [*new and emerging products*] manufacturers and the tobacco industry”.²⁴³ The policy echoes the recommendations in the Art 5.3 Guidelines and adds practical guidance on how to respond to certain situations such as:

- *Do not agree to side meetings or accept invitations to social events or hospitality, such as offers for lunch, product or gifts*
- *Do not engage in any interaction that creates the perception of partnership or cooperation. If you are approached about, or become aware of, any tobacco industry ‘corporate social responsibility’ initiatives:*
 - *Emphasise in internal and external communications that you and your agency will not deal with the tobacco industry and will take active measures to avoid interactions with the tobacco industry other than those necessary to effectively regulate the tobacco industry and tobacco products.*
 - *Do not endorse, support, form partnerships with or participate in activities of the tobacco industry described as ‘socially responsible’.*
 - *Act to correct any perceptions of support for or participation in the tobacco industry’s ‘corporate social responsibility’ activities.*
 - *Be cautious of any claims of ‘socially responsible’ activities.”²⁵¹*

III. Global Level

A. International Instruments that Take Tobacco Industry Interference into Consideration

Table 3 below summarizes, in chronological order, the international instruments that have been adopted or developed to be consistent with or to support the implementation of WHO FCTC Article 5.3 which provides:

In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.³⁹

Table 3. Decisions of the International Community that Support the Implementation of WHO FCTC Article 5.3

International Organization/ Year/Parties	International Instrument / Details
UN Economic and Social Council (ECOSOC), 2017 Number of Members: 54	Resolution E/2017/L.21: Model Policy for Agencies of the United Nations System on Preventing Tobacco Industry Interference “10. Encourages members of the Task Force, as appropriate and in line with their respective mandates, to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the model policy for agencies of the United Nations system on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the United Nations system and those of the tobacco industry.” ²⁴⁴
World Health Assembly (WHA), 2016 Number of Members: 193	WHA Resolution 69.10: Adoption of the Framework for Engagement with Non-State Actors In 2016, the WHA’s Resolution 69.10 adopting the Framework for Engagement with Non-State Actors (FENSA) provided clear rules for non-engagement with the tobacco industry and other non-state actors that work to further the interests of the tobacco industry. Setting the standard for private sector engagement with a United Nations (UN) agency, FENSA provides: <i>“WHO does not engage with the tobacco industry or non-State actors that work to further the interests of the tobacco industry.”</i> ^{245 246} <i>“WHO does not engage with the tobacco industry or with non-State actors that work to further the interests of the tobacco industry. The latter includes but is not limited to: entities and subsidiaries engaged in the manufacturing, distribution and/or sale of tobacco or tobacco-related products; entities working to specifically further the interests of the tobacco industry through lobbying, advertising, legal advice or similar activities; entities being funded, supported or influenced in their governance by tobacco-related entities; and entities having tobacco industry or their representatives among their members.”</i> ^{247 248}

United Nations, 2015 Number of Parties: 193	United Nations General Assembly Resolution 70/1: Sustainable Development Goals (SDGs) “Goal 3: Ensure healthy lives and promote well-being for all at all ages. Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate.” ²⁴⁹
United Nations, 2012 Number of Parties: 193	United Nations General Assembly Resolution 66/2: Political Declaration of the High-Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases “38. Recognize the fundamental conflict of interest between the tobacco industry and public health.” ²⁵⁰
WHO FCTC, 2008 Number of Parties: 181	Decision FCTC/COP3(7): Guidelines for the Implementation of Article 5.3 of the WHO FCTC “Guiding Principles: Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests. Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent. Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent. Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses. ” ²⁵¹

International Labour Organization

While the international community has seen some global trends on protection against tobacco industry funding or influence, the International Labour Organization (ILO) is still in the process of resolving some concerns relating to the tobacco industry.

ILO serves as advisor to the board of the Eliminating Child Labor in Tobacco-growing (ECLT) Foundation,²⁵² an organization established in 2002 and purely funded by tobacco companies.²⁵³ Philip Morris International (PMI), British American Tobacco (BAT), Japan Tobacco International (JTI), Imperial Tobacco, and other tobacco industry players fund ECLT and serve as its board members.^{254 255}

ILO has reportedly received \$15 million from JTI and groups associated with huge tobacco companies for “charitable partnerships” to address child labor in tobacco fields.²⁵⁶

The public health community has vigorously censured ILO’s engagement with the tobacco industry.²⁵⁷ In October 2017, about 200 organizations and individuals from various parts of the world have urged ILO to stop receiving money from the tobacco industry and to cut off its relationship with it.²⁵⁸

As of January 2018, ILO's Governing Body is confronted with the need to decide if it should keep its partnership with the industry.²⁵⁹ During its meeting in Geneva in March 2018, the ILO's proposed integrated strategy stated that child labor remains widespread and noted the need to transition from donor- industry funding to development-partner funding that aligns with integrated approaches and international developmental goals.²⁶⁰ The decision on the matter has been pending and it is to be made by the Governing Board comprising of fifty-six (56) titular members (28 governments, 14 employers, and 14 workers).²⁶¹

In 2019, the Governing Body of the ILO endorsed "*the time-bound and costed integrated strategy to address decent work deficits in the tobacco sector and directed the Office to implement the strategy, which was to be financed by voluntary contributions from multi- and bilateral aid for development cooperation and/or by ILO resources.*" The decision which was widely supported by civil society²⁶² signals a reaffirmation that body will no longer rely on funding from the tobacco industry to implement its programs and that contracts with tobacco industry, including JTI and Eliminating Child Labour in Tobacco Growing Foundation (ECLT) will no longer be renewed.²⁶³

B. Tobacco Industry Interference in UN Agencies and the International Community's Response

Model policy for agencies of the United Nations system on preventing tobacco industry interference

In 2006, 2008, and in 2010, the Secretary General reported at ECOSOC's Substantive Sessions on various types of tobacco industry interference within the UN System, such as conflicts of interest.²⁶⁴ The reports emphasized the need to raise awareness on WHO FCTC Article 5.3 and policies against tobacco industry engagement, such as those from the United Nations Development Programme (UNDP) and the International Atomic Energy Agency (IAEA).

In 2014, COP6 decided to request the WHO FCTC Secretariat to make appropriate recommendation in light of the tobacco industry engagement in key international organizations,²⁶⁵ and to seek collaboration with such international organizations to raise awareness of the fact that their "administrative, financial and other decisions affect implementation of Article 5.3 of the WHO FCTC," and to promote "the principles of Article 5.3 and its implementing Guidelines, including rejection of any direct or indirect contributions, technical and financial, from the tobacco industry."²⁶⁶

In 2016, the model policy for agencies of the UN system on preventing tobacco industry interference was adopted by members of the UN Interagency Task Force on the Prevention and Control of Non-Communicable Diseases (UNIATF).²⁶⁷ Its purpose is "to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive, effective and consistent across the United Nations system including the UN itself and its funds, programmes, specialized agencies, other entities and related organizations."²⁶⁸

In 2016, the COP mandated the WHO FCTC Secretariat to continue encouraging bodies under the UN to adopt mechanisms to address tobacco industry attempts to impede the implementation of tobacco control efforts.²⁶⁹

On 20 August 2019, the UN SG issued a memo reminding all UN agencies not engage with the tobacco industry. He emphasized the need to follow the model policy for agencies of the UN system on preventing tobacco industry interference- *“I would like to encourage all entities in the United Nations system to adhere to the model policy for preventing tobacco industry interference as adopted by ECOSOC and, in addition, discourage the receiving of funds from, or partnering with, the tobacco industry, in order to work as a United Nations family and ensure alignment in our approach.”*²⁷⁰ This was issued shortly after civil society raised concerns when an outgoing UN official questioned the *“blanket exclusion of the entire tobacco industry”* from the 2030 Agenda.²⁷¹

UN Global Compact

One UN office that actively seeks out funding from the private sector is the UN Global Compact (UNGC), a voluntary initiative encouraging businesses globally to adopt sustainable and socially responsible policies.²⁷²

A research conducted by the Ad Hoc Inter-Agency Task Force on Tobacco Control criticized the UN’s Global Compact *“for harboring tobacco companies under its umbrella.”*²⁷³ In response to numerous criticisms, the Global Compact announced as early as 2014 that it *“actively discourages tobacco companies from participation in the initiative and does not accept funding from tobacco companies.”*²⁷⁴

Consistent with the model policy and global trends to shun tobacco funding, UNGC’s Integrity Policy Update, dated 12 September 2017, stated that: *“the UN Global Compact will increase scrutiny of companies upon entry into the initiative, review engagement with existing participants, and institute new exclusionary criteria for companies involved in certain high-risk sectors – including the production and manufacture of tobacco products, and nuclear, chemical, or biological weapons. Participating companies whose business involves manufacturing or producing tobacco products will be delisted effective 15 October 2017”* (emphasis supplied).²⁷⁵

Nevertheless, third party organizations funded and governed by the tobacco companies such as the Eliminating Child Labour in Tobacco Growing Foundation (ECLT) remain members to the UNGC.²⁷⁶ On 30 April 2021, civil society organizations called on UNGC to remove ECLT from its membership citing that *“ECLT has undeniable ties with the tobacco industry and has failed in its stated objective of ending child labor in tobacco—a problem directly linked to the exploitative business practices of its funders and members.”*²⁷⁷ It stated that ECLT, a participant of UNGC since April 2015, is a corporate alliance of a number of tobacco producers and manufacturers and has been promoted by them as a so-called CSR strategy in an attempt to repair their tarnished image, while also aiming for political gain.

Table 4. Policies of International Intergovernmental Organizations and UN agencies that Protect against Tobacco Industry Interference

International Organization/ Year	Document / Details
United Nations Development Programme (UNDP), 2013	<p>“Guiding Principles for Partnerships: Advance UNDP goals; Maintain integrity, independence, and impartiality; Ensure transparency; non-exclusivity and no unfair advantage; Cost-effectiveness; Clearly defined roles and responsibilities and shared risk and benefits.</p> <p>UNDP has defined a set of exclusionary criteria outlining those business practices considered unacceptable to the organization, and these include the ‘manufacture, sale or distribution of tobacco or tobacco products.’”²⁷⁸</p>
United Nations Children's Fund (UNICEF), 2001	<p>“In 2001, UNICEF adopted guidelines that rejected all partnerships with tobacco companies or organization.”²⁷⁹</p> <p>“UNICEF’s corporate engagement guidelines, which were developed in 2001, codified a pre-existing, organization-wide policy of not accepting funding or entering into partnership with tobacco manufacturers.”²⁸⁰</p>
United Nations Educational, Scientific and Cultural Organization (UNESCO), 1997	<p>The Guidelines forbid any private sector involved in the “production or distribution of tobacco (products)...” to be a funding source for collaboration with UNESCO.²⁸¹</p>
World Bank, 1999	<p>“The Bank does not lend directly for, invest in, or guarantee investments or loans for tobacco production, processing, or marketing.”²⁸²</p>
International Atomic Energy Agency (IAEA)	<p>“The IAEA has a checklist for partnership agreements to exclude the manufacturers or distributors of goods widely recognized as harmful to public health, or against public morals. Tobacco products are included in the list.”²⁸³</p>

Other Global Initiatives

Red Cross

Although not an intergovernmental organization (IGO), the Red Cross policy on refusing tobacco-backed funds is considered a significant policy covering many constituents due to its presence in practically all states. The International Federation of Red Cross and Red Crescent Societies (IFRC), along with 190 member-countries of National Red Cross and Red Crescent Societies worldwide, act before, during, and after disasters and health emergencies to assist vulnerable people. Red Cross' policies potentially affect trends in CSR in over 190 countries where it is operating.

The Red Cross has long adopted a policy not to accept funds from tobacco, alcohol, and arms. During the World No Tobacco Day celebration on May 31, 2013, the Governing Board of the International Federation of the Red Cross/Red Crescent resolved to enjoin National Societies to desist from receiving money from the tobacco industry.²⁸⁴

In June 2015, the IFRC issued an Internal Guidance Brief on their non- engagement with tobacco companies. This document—which was disseminated to National Societies, including their staff and volunteers—states, among others, that it upholds principles to dissociate itself from the tobacco industry, “an industry that contributes to significant mortality, illness and suffering worldwide.”²⁸⁵

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

The CPTPP Is a multilateral free trade and investment agreement among eleven countries in Asia Pacific, North America and Latin America, namely Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam. It came into force on 30 December 2018. It allows governments to bar tobacco industry access to a mechanism commonly enjoyed by all foreign investors: It effectively deprives the tobacco industry the privilege of suing a government under the Investor-state dispute settlement (ISDS) proceedings, unless the government expressly allows it.²⁸⁶

Subsequently, a few Free Trade Agreements (FTAs) entered into by members of the CPTPP also reflected the same provision. For example, Singapore-Australia FTA (2016)²⁸⁷ and the Singapore-Kazakhstan Bilateral Investment Treaty (2018).²⁸⁸

The exclusionary provision came about around 2010-2011, when in the midst of concerns raised by civil society, Malaysia called for a tobacco carve out during the negotiations.²⁸⁹ The broad carve out was eventually replaced with a restricted one nestled in the ISDS chapter.²⁹⁰

C. Case Studies on Responses to Efforts by International/ Regional Organizations that Represent Tobacco Industry Interests

The tobacco industry has backed or established international organizations to pursue its interests. Below are case studies where the global community responded to efforts of such organizations to undermine tobacco control policies.

I. International Tax and Investment Center

1.1. ITIC Relationship with the Tobacco Industry

The International Tax and Investment Center (ITIC) claims to be an international think tank that works closely with governments on fiscal and trade issues,²⁹¹ but its board includes representatives coming from four (4) tobacco companies, namely, PMI, JTI, BAT, and Imperial Tobacco. Based on analysis of internal tobacco industry documents,²⁹² the organization has been identified as a tobacco industry front group.²⁹³

1.2. ITIC Tactics in Interfering with the WHO FCTC during the Adoption of the Article 6 Guidelines (Price Measures)

ITIC sponsored an event intended to challenge COP6 adoption of Article 6 Guidelines; the time and venue was strategically set just before/during the COP6 and near the COP6 session venue in Moscow. It invited tax officials from FCTC Parties and WHO member-states that are observers to the COP.²⁹⁴

Response: Note Verbale of the Framework Convention Secretariat

The Framework Convention Secretariat (FCS) issued a *Note Verbale* (NV) to warn against attending the event.¹⁰² For many delegates and government officials, it was the first time they were apprised that the ITIC event is not an activity related to or endorsed by COP, and that ITIC is tobacco industry-funded. In addition, CSOs circulated information about ITIC arguments and how they undermine the proposed Article 6 Guidelines.²⁹⁵ Due to these efforts, the ITIC event was hardly attended by COP delegates.

On 04 March 2016, the FCS issued another NV that expressed concern about meetings organized by ITIC and advised Parties that tobacco industry interference (e.g., ITIC-organized regional and global meetings) is “damaging for tobacco-control efforts worldwide.”²⁹⁶ It reminds Parties to “reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.”²⁹⁷ It issued the NV amidst reports that tobacco companies are proposing to some FCTC Parties to sign agreements in which the former will take on certain tasks in controlling the tobacco supply chain; and, reports that the tobacco industry is actively endorsing the use of Codentify, a coding system it developed.

The aforesaid NVs have increased the awareness of FCTC Parties and COP observers about ITIC and its activities; thus, many of them have refused to participate in ITIC events.

1.3. ITIC and its Involvement in Tax/ Customs Global Events

On its website, ITIC claims that it regularly sponsors and participates in global events where tax and customs officials from all over the world will be in attendance. For instance, in 2014, ITIC presented its report on “The Illicit Trade in Tobacco Products and How to Tackle It” to over 150 enforcement officials from various countries during the World Customs Organization (WCO) meeting in Brussels.²⁹⁸ One such widely promoted event was the 12th Annual Asia-Pacific Tax Forum, held in New Delhi on 5-7 May 2015.

Response: World Bank and Host Country Response

After much global campaigning from CSOs, the World Bank withdrew from the 12th Annual Asia-Pacific Tax Forum, held in New Delhi on 5-7 May 2015, which was co-organized by a consortium financed by several transnational tobacco companies. The Indian government officials, touted by ITIC to inaugurate the event, also decided not to participate.^{299 300}

1.4. ITIC Challenging Civil Society Groups

In 2015, the Southeast Asia Tobacco Control Alliance (SEATCA) published “ITIC’s ASEAN Excise Tax Reform: A Resource Manual,” which revealed how ITIC’s report is undermining global best practice in tobacco taxation in the region.³⁰¹ In 2014, it also critiqued ITIC’s Asia-11 Illicit Tobacco Indicator 2012,³⁰² which together with other ITIC reports, were widely disseminated to finance ministers in Southeast Asia. Shortly after, ITIC president Daniel Witt sought to meet with SEATCA to have a “round-table discussion” with stakeholders on the matter. It was later revealed that the meetings are meant to make SEATCA rectify its “errors.” A series of letters were written to complain about SEATCA’s inaccuracies and refusal to engage with ITIC. Letters were written to various individuals associated with SEATCA to pressure its executive director to participate in ITIC meetings. A subsequent letter, written by an Australian consultant, accused SEATCA of unreasonableness, lack of transparency, accountability, and good governance, and of continuing to “dismiss competing views and disparage those who hold them.”³⁰³

Response: Civil Society Groups Unified in the Denouncement of Tobacco Industry Funds/ Ties

Various civil society groups responded to defend SEATCA’s position and criticized ITIC for its tobacco industry tactics. In 2017, ITIC announced that it has removed tobacco industry representatives from its board and declared that it would no longer receive sponsorships from the tobacco industry.³⁰⁴ Its previous papers supporting tobacco industry interests are no longer available on its website’s resources list.

Outcome: ITIC Rejects Tobacco Industry to Safeguard Reputation

In 2017, ITIC announced that it has adopted a resolution to immediately sever links with tobacco companies. ITIC’s Board resolved that it will no longer accept sponsorship from tobacco companies and that representative from tobacco firms will no longer serve in it. ITIC’s president admits that this is due to pressures that have consistently petitioned the organization to support

the WHO FCTC. He added that this “was a necessary step to safeguard ITIC’s reputation and ensure its long-term effectiveness.” The Commonwealth Association of Tax Administrators has welcomed this policy.³⁰⁵

2. International Tobacco Growers Association

2.1. *ITGA Relationship with the Tobacco Industry*

The International Tobacco Growers Association (ITGA) claims to represent the interest of farmers at various global and regional fora, yet its main supporters are transnational tobacco-related companies, including Alliance One International, Imperial Tobacco International, Universal Leaf, PMI, BAT, JTI, etc.³⁰⁶

ITGA claims that the WHO FCTC puts the livelihoods of millions of growers at risk. According to the Framework Convention Alliance (FCA), the global civil society group supporting tobacco control, “ITGA does nothing to help tobacco farmers and farm workers trapped in cycles of poverty and debt bondage because of the industry’s exploitative tobacco buying practices and unfair contracts.”³⁰⁷

2.2. *ITGA Tactics in Interfering with the WHO FCTC during the Adoption of Guidelines (Articles 9/10, 17/18)*

In 2010, during the FCTC COP4, the ITGA reportedly rallied tobacco farmers from several countries together in order to influence the negotiations and to thwart the approval of Articles 9 and 10 Guidelines and progress report on Articles 17 and 18.³⁰⁸

Response: Rejection of Application for Observer Status

When ITGA applied for observer status in 2010, the COP4 took note of the report that information available on the official website of the organization shows that its activities “may not be in line with the aims and spirit of the Convention,” in particular with regard to Article 5.3. The COP4 then rejected ITGA’s application for observer status.³⁰⁹

3. ASEAN Intellectual Property Association

3.1. *ASEAN IPA is an association of intellectual property owners that meets annually to celebrate World Intellectual Property Day.*

3.2. *ASEAN IPA’s Tactics in Interfering with the WHO FCTC as well as Intellectual Property and Plain Packaging in ASEAN*

The ASEAN Intellectual Property Association (IPA) is a Philippine-based organization that aims to promote the development and protection of intellectual property in Southeast Asian countries. It is one of the over forty (40) organizations that submitted a total of thirty-six (36) amicus curiae in opposing Australia’s plain packaging at the World Trade Organization (WTO). Its amicus brief had been adopted by oppositors Honduras, Indonesia, and Dominican Republic.³¹⁰ In 2016,

it wrote a series of letters to governments in ASEAN to warn against the harmful consequences of cigarette plain packaging in the region.

Response: SEATCA Counters ASEAN IPA Arguments

The regional non-government organization, SEATCA, refuted ASEAN IPA's arguments. Through letters, it informed governments in the region of the association's background and agenda.³¹¹

The ASEAN IPA continues to raise intellectual property issues on plain packaging in light of the planned adoption of the measure by some countries in the region. Nevertheless, despite its tactics in the region, the Singapore Ministry of Health launched public consultations for plain packaging in February 2018.

4. US/ American Chamber of Commerce

4.1. Relationship with the Tobacco Industry

The US Chamber of Commerce, known in other parts of the world as American Chamber of Commerce (Amcham), is a global network of US business associations, most of which includes PMI.³¹² It has been reported to promote tobacco industry interests in various countries all over the world as evidenced, among others, by its own internal documents.³¹³ Five (5) US Chambers of Commerce (Mexico, Netherlands, Russia, Thailand, and United States) have amicus curiae opposing Australia's plain packaging at the WTO. Its amicus brief had been adopted by oppositors Honduras, Indonesia, and Dominican Republic.³¹⁴

In June 2015, the New York Times released a report on the extent of lobbying that Amcham had undertaken in Australia, Burkina Faso, El Salvador, the European Union, Ireland, Jamaica, Kosovo, Moldova, Nepal, New Zealand, the Philippines, Ukraine, United Kingdom, and Uruguay³¹⁵ to dilute and delay life-saving tobacco control measures.

Response: CVS Leaves US Chamber of Commerce

As a response to the New York Times exposé, CVS Health Corporation (a pharmacy healthcare company in the United States with more than 9,700 retail locations) decided to leave the association in 2015.³¹⁶ US senators released a public statement critical of US Chamber of Commerce's actions, and sent letters to companies represented by Board Members to find out their positions on the Chamber's efforts to challenge tobacco control measures.

Globally, business associations continue to influence tobacco control policies on behalf of the tobacco industry. Over forty (40) business associations and organizations across the world publicly opposed plain packaging.³¹⁷ A more regional strategy is exemplified by the ASEAN Business Council, which annually sets meetings with high-level officials in each country in the ASEAN region, making way for meetings/ unnecessary interactions between US tobacco company leaders and top-level government officials.³¹⁸

5. Foundation for a Smoke-Free World (FSFW)

5.1. *Foundation for a Smoke-Free World and its Relationship with the Tobacco Industry*

On 13 September 2017, PMI announced that it will commit US\$1 billion to a Foundation for a Smoke-Free World (FSFW) over the next twelve (12) years. It was reported that FSFW will focus on funding research to support policy and collaborative initiatives on harm reduction. FSFW's president was formerly with the WHO.³¹⁹

Response: WHO and Public Health Community Warn against Cooperating with FSFW

WHO and WHO FCTC Secretariat

Within two weeks of PMI's announcement of FSFW, the Convention Secretariat for the WHO FCTC issued a statement denouncing key aspects of FSFW such as, but not limited to, its leadership, the funding, new tobacco products, and potential interactions with the tobacco industry. It reminds FCTC Parties that: "Any collaboration with this Foundation, due to its current funding arrangement that comes from a tobacco multinational, would constitute a clear breach of Article 5.3 of the Convention concerning tobacco industry interference."³²⁰

Below are excerpts of the WHO statement dated 28 September 2017:

"Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC) obliges Parties to act to protect public health policies from commercial and other vested interests of the tobacco industry in accordance with national law. Guidelines for implementation of Article 5.3 state clearly that governments should limit interactions with the tobacco industry and avoid partnership. These Guidelines are also explicit that Governments should not accept financial or other contributions from the tobacco industry or those working to further its interests, such as this Foundation.

Strengthening implementation of the WHO FCTC for all tobacco products remains the most effective approach to tobacco control... If PMI were truly committed to a smoke-free world, the company would support these policies. Instead, PMI opposes them. PMI engages in large scale lobbying and prolonged and expensive litigation against evidence-based tobacco control policies such as those found in the WHO FCTC and WHO's MPOWER tobacco control, which assists in implementation of the WHO FCTC. For example, just last year PMI lost a six-year investment treaty arbitration with Uruguay, in which the company spent approximately US\$ 24 million to oppose large graphic health warnings and a ban on misleading packaging in a country with fewer than four million inhabitants."³²¹

Public Health Schools

Since the launch of FSFW, more and more public health advocates have renounced its efforts.³²² Seventeen (17) deans of the top schools of public health in the USA have announced that their schools are not accepting funding from or pursuing work with it.³²³ The list of schools have grown to over 30 across the globe.³²⁴

Governments

In January 2018, the Polish Health Ministry used the WHO statements to warn universities against receiving research funding from the foundation.³²⁵ Vietnam’s MOH also issued a memo “calling on the cabinet, local government, and mass organizations to coordinate the implementation of the WHO recommendation and to inform governments and health communities not to cooperate with FSFW.”³²⁶

Conference Bodies

In March 2018, during the 17th World Conference on Tobacco or Health (WCTOH), a global gathering of about 2,000 participants from the public health community, the conference organizers refused entry of FSFW representatives.³²⁷ In its Declaration, WCTOH urged “governments, scientists, research entities, foundations, and civil society organizations to reject or cease engagement with the Philip Morris International-funded Foundation for a Smoke-Free World and other initiatives of the tobacco industry.”³²⁸ The 17th WCTOH Declaration also adopted the Cape Town Declaration on Human Rights and a Tobacco-Free World, which urged everyone to reject or cease collaboration with FSFW and similar public relations initiatives of the tobacco industry.³²⁹

In September 2018, the Asia Pacific Conference on Tobacco or Health (APACT), a regional gathering of tobacco control delegates and key stakeholders seeking to end the tobacco epidemic, adopted a Declaration stating a similar position that: “Partnership with the tobacco industry is detrimental to all SDGs and the FCTC. To ensure good governance, governments, scientists, research entities, and civil society organizations must reject or terminate all partnerships or support from the tobacco industry, including the Philip Morris International-funded Foundation for a Smoke-Free World, and other initiatives of the tobacco industry...”³³⁰

WHO Executive Board

When the FSFW wrote to the Executive Board of the WHO (WHO EB) in January 2019, seeking a partnership with the WHO to “*give global tobacco control new energy and a new path*” and stating “*FSFW is ready to accelerate work with WHO to achieve this [end smoking]*”;³³¹ over 100 organizations and individuals from the public health community raised concerns over any kind of involvement with the foundation and urged WHO to denounce any collaboration with FSFW.³³²

Notably, around the same time FSFW wrote its proposal to partner with the WHO EB; its funder, PMI, was at a side event at World Economic Forum in Davos talking about the possibility and immediate need of the tobacco industry and “anti-tobacco lobbies” to work together to solve global health issues.³³³

WHO FCTC Conference of the Parties (COP)

A FSFW grantee, International Network of Nicotine Consumer Organisations (INNCO), the largest network of Novel and Emerging Nicotine and Tobacco Products (NENTPs) proponents, was denied observer status in the Eighth session of the COP in 2018 due to conflict of interest in view of its ties to the tobacco industry and its front groups.³³⁴

Although INNCO claims to have no ties or funds from the “tobacco or vaping industry” despite the FSFW funding, it admits that its goals overlap with FSFW’s, having been in fact set up following a meeting held during the 2016 Global Forum on Nicotine.

Annexes

Annex I

Article 5.3 Guiding Principles

- I. There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests
- II. Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.
- III. Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.
- IV. Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.

Article 5.3 Recommendation

1. Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.
2. Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
3. Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
4. Avoid conflicts of interest for government officials and employees.
5. Require that information provided by the tobacco industry be transparent and accountable.
6. De-normalize and, to the extent possible, regulate activities described as "socially responsible" by the tobacco industry, including but not limited to activities described as "corporate social responsibility."
7. Do not give preferential treatment to the tobacco industry.
8. Treat state-owned tobacco industry in the same way as any other tobacco industry.

Source: Guidelines for Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control. WHO FCTC, 2008. Available at: https://www.who.int/fctc/guidelines/article_5_3.pdf

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Article 18 – Prohibition of the support and privileges of tobacco business: No institution or state body should offer support or privilege to any person or company for wholesale or retail selling, tobacco import, or any support or privilege related to any phase of the import and export of tobacco products."

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"The State Policy on Tobacco Control shall be intimate part of the State Policy on Public Health and shall be guided by the principles set out below:

4.1.1. Prevent the initiation of the minors and reduce the consumption of tobacco products by sustainable financing of tobacco control and health promoting activities through tax increases reaching to the level indicated in the Convention Framework on Tobacco Control;

4.1.2. Protect the public health policies from negative influences of tobacco industry within the legal framework;

4.1.3. Support for participation of private and non-governmental organizations without any affiliation with tobacco industry in developing and implementation of policy and programs on tobacco control;

4.1.4. Increase the accessibility of scientific and comprehensive information, education and communication activities on health hazards, economic and environmental consequences of tobacco consumption and passive smoking and affordability of treatment of nicotine addiction;

4.1.5. Require the tobacco industry and those "legal entities" working to further its interests to operating and acting in the manner that is accountable and transparent;

4.1.6. It is not recommended to give rewards, tax discounts and other fringe benefits to the tobacco industry;

4.1.7. *Treat tobacco industry equally regardless of form of ownership in the implementation of Tobacco Control Law;*

4.1.8. *Tobacco industry and those working to further its interests shall not be involved directly or indirectly in drafting, endorsing and implementing tobacco control legislation or policy;*

4.1.9. *All branches of government and the public shall be provided with information about strategies and tactics used by the tobacco industry including setting and implementation of the government's public health related policies and need to be protected from vested interests of the tobacco industry and its advertisement, promotion and sponsorship activities.*

5.1.3. *Any personnel working for setting and implementing public health policy and public education activities shall avoid from partnering with legal entities or individuals working for tobacco industry or for the industry's interests;*

5.1.4. *Dismiss any offer proposed by the tobacco industry when there is conflict of interest in implementing the Tobacco Control Law;*

5.1.5. *Government official working in the post of setting and implementing the Tobacco Control Law shall not partner with other workers in resolving issues related to vested interests and thereby reject such offers."*

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- (1) Any action that builds up the image of a tobacco product, a manufacturer, or an importer of tobacco products.
- (2) Any action that interferes with or might interfere with tobacco control policy.
- (3) Advertising for a tobacco product, or the manufacturer or importer of a tobacco product.
- (4) Promotion of tobacco consumption.

The provisions of the first paragraph shall not apply to actions between operators, interested parties, and persons involved in the manufacture and sale of tobacco product, nor to charitable donations or humanitarian acts during a time of serious public danger. No person shall publicize any activity or news for public relations purposes, as set out in the first and second paragraphs.

Article 66. Any manufacturer or importer of tobacco products who fails to submit information or who submits incomplete information as required under Article 40 shall be subject to imprisonment for not more than six months or a fine of not less than one hundred thousand baht, or both. Any manufacturer or importer of tobacco products who submits falsified information in response to the requirements of Article 40 shall be subject to imprisonment for not more than one year or a fine of not less than two hundred thousand baht, or both.

Article 60. Any operator who violates the first paragraph of Article 35 shall be subject to imprisonment for not more than one year or a fine of not more than one half of the expenditure for the forbidden activity, but not less than one million, five hundred thousand baht, or both. If a violation under the first paragraph of Article 35 is committed by an employee or other person hired to perform such a violation, that person shall be subject to the penalties set out in the first paragraph. If a violation under the first paragraph of Article 35 is committed by an interested party, that person shall be subject to imprisonment for not more than one year or a fine of not more than five hundred thousand baht, or both. Any person who violates the third paragraph of Article 35 shall be subject to a fine of not more than five hundred thousand baht.

Article 66. Any manufacturer or importer of tobacco products who fails to submit information or who submits incomplete information as required under Article 40 shall be subject to imprisonment for not more than six months or a fine of not less than one hundred thousand baht, or both. Any manufacturer or importer of tobacco products who submits falsified information in response to the requirements of Article 40 shall be subject to imprisonment for not more than one year or a fine of not less than two hundred thousand baht, or both. To summon any person for questioning, to issue letters of inquiry, or to require submission of documents, information, or any other materials for consideration by officials or for use as evidence.

Article 40. Manufacturers and importers of tobacco products for sale in the Kingdom are required to report the quantity of such products manufactured or imported into the Kingdom, amounts spent on marketing, revenue, and the activities described in Article 35 to the Board annually. Such reporting shall comply with rules, procedures, and conditions set out by the Minister, upon the advice of the Board."

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"Examine the level of tobacco industry engagement in key international organizations which are in a position to contribute to WHO FCTC implementation, prepare a report on their impact on multisectoral collaboration for the implementation of the WHO FCTC, and make appropriate recommendations."

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"Seek collaboration with pertinent international organizations, including regional, and subregional organizations, to raise awareness of their role in contributing to Parties' implementation of Article 5.3 and that their administrative, financial and other decisions affect implementation of Article 5.3 of the WHO FCTC, by promoting the principles of Article 5.3 and its implementing Guidelines, including rejection of any direct or indirect contributions, technical and financial, from the tobacco industry."

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