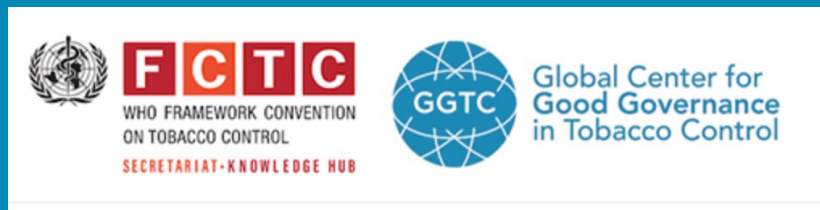


WHO FCTC Article 5.3

Policies and Practices



Deborah Sy, LIB, LIM

Head of Global Policy and Strategies

Global Center for Good Governance in Tobacco Control*

WHO FCTC Secretariat's Knowledge Hub for Article 5.3

Article 5.3

WHO Framework Convention on Tobacco Control (WHO FCTC)

- “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 ”

Rationale: Policy Interference

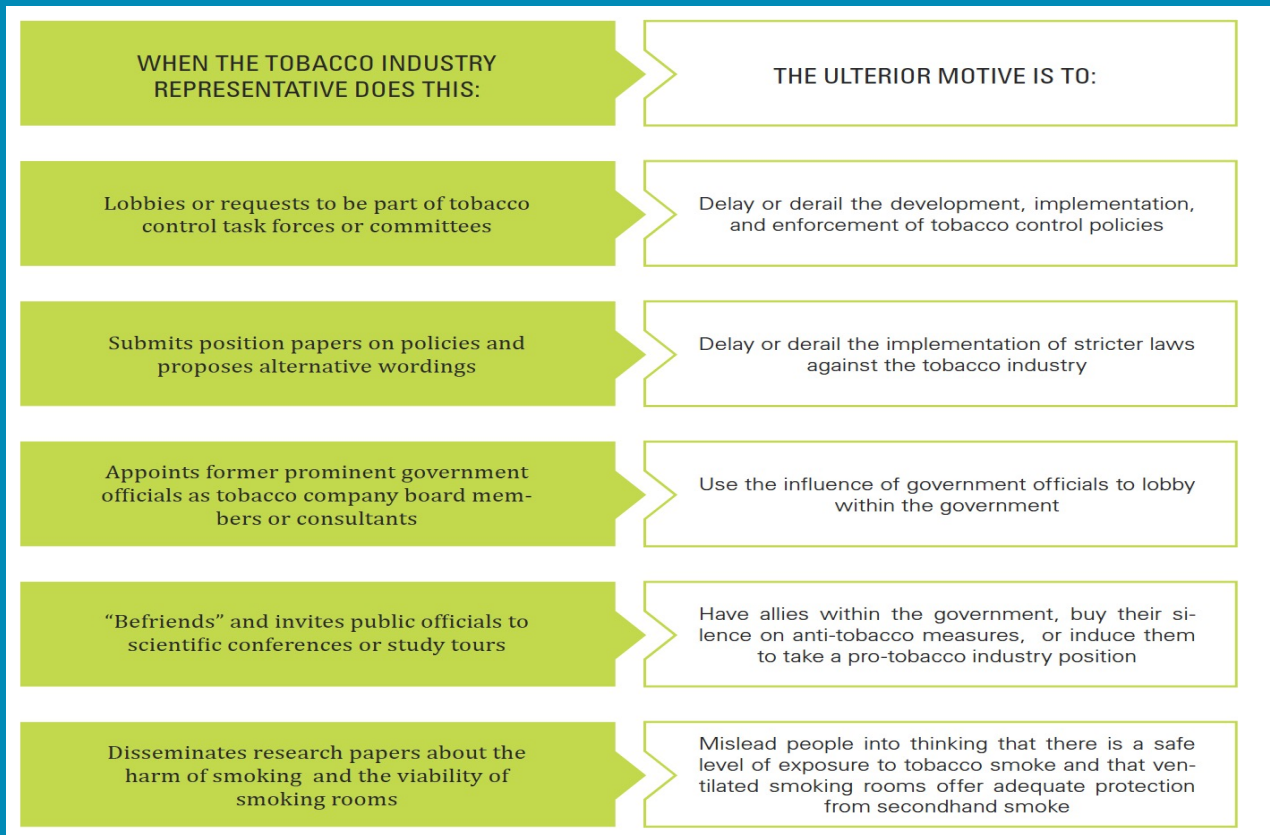


IMAGE SOURCE: HealthJustice & SEATCA Article 5.3 Toolkit



New INSCO Position Paper Outlines Why Bans on Popular Alternatives to Smoking Will Do More Harm Than Good

Foundation for a Smoke Free World (funded by Philip Morris International) recruiting for its "Advisory Board for Smoking Cessation Research"

Posted on August 5, 2021 by John Baker

Tim McAfee & John Baker



Principles

I There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.



2

Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.



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.



4

Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.



Recommendations

I Raise awareness about tobacco industry interference

+

2-4

Limit interaction, Reject partnerships, contributions, funding, and representation, inc at COP. Avoid conflicts of interest:

+

5-6

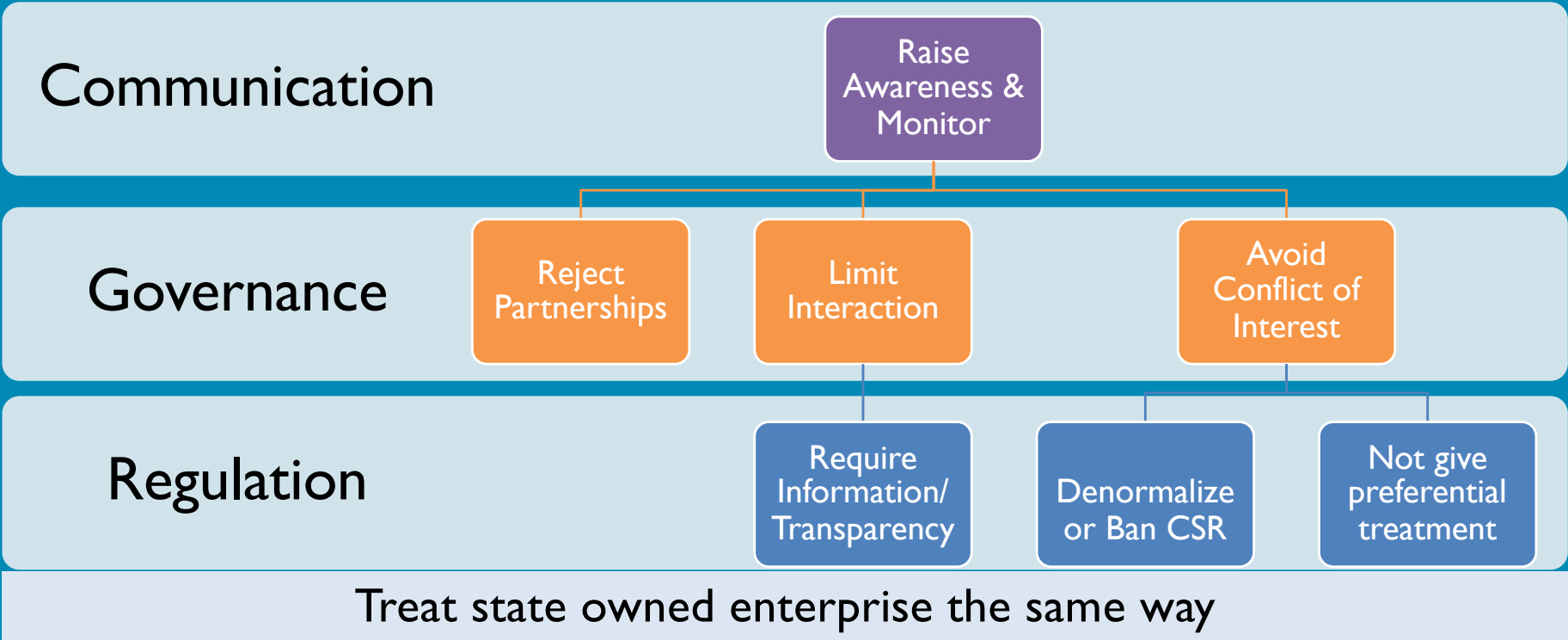
Require accurate information from the tobacco industry
Denormalize so-called CSR

+

7-8

Do not give preferential treatment(incentives or privileges)
Treat state owned enterprises the same

Article 5.3 Guidelines



SLIDE SOURCE : D.Sy. Webinar Knowledge Hub for Art 5.3 , 2019, Practices, Policies, & Tools Article 5.3, WHO FTCT

COMMUNICATION



Statement, Position,
Press

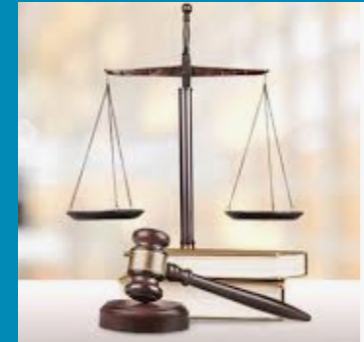
Ecuador, Finland, Philippines, Brazil



x 322

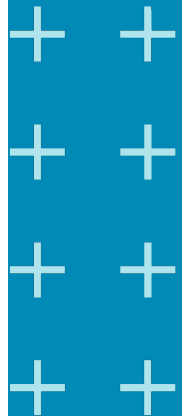
Letter/ Warning

Chile, EU-DG Health, Ireland,
Jamaica, Lebanon, Madagascar,
Oman, Poland, Vietnam



Law / Policy

Burkina Faso, Mongolia,
Philippines, India



COMMUNICATION: Example

Annex 2

GUIDELINES TO DENORMALIZE SO-CALLED CSR ACTIVITIES OF THE TOBACCO INDUSTRY

“6. Officials shall include the following statement in all issuances, contracts, public documents, communications, exchanges, and interactions directly or indirectly involving tobacco: **The Department of Health does NOT deal with the tobacco industry or individuals or entities that work to further the interests of the tobacco industry**, except to the extent strictly necessary to effectively regulate the tobacco industry and tobacco products.”



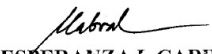
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF HEALTH
OFFICE OF THE SECRETARY

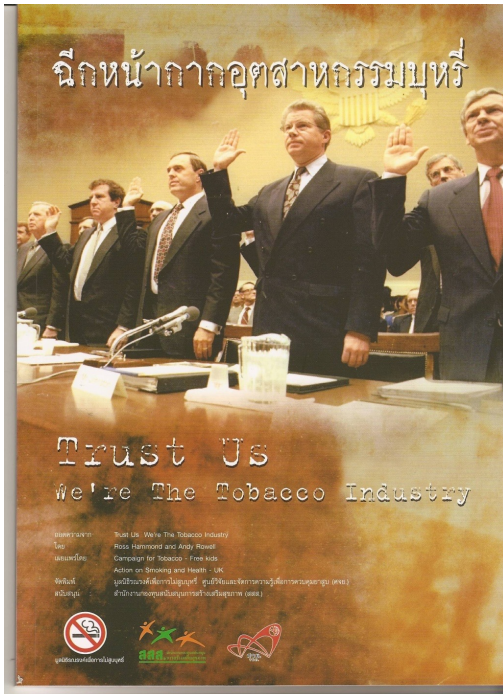
DEPARTMENT MEMORANDUM

No. 2010 - 0126

SUBJECT: Protection of the Department of Health, including all of its Agencies, Regional Offices, Bureaus or Specialized/Attached Offices/Units, against Tobacco Industry Interference

DATE: 6 May 2010


ESPERANZA I. CABRAL, MD
Secretary of Health



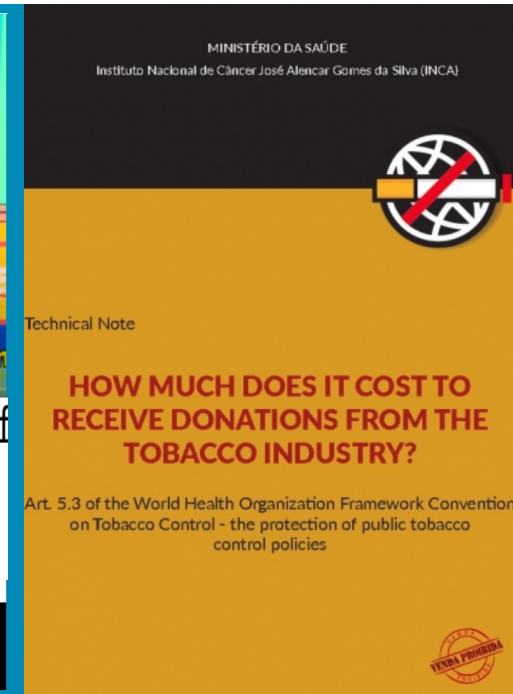
THAILAND



PHILIPPINES



EL SALVADOR



BRAZIL

Raise Awareness

Tobacco industry and sustainable development must not appear in one sentence.



Tobacco— a slow > motion pandemic hindering.. SDGs



Tobacco industry just changed clothes to sell e-cigarettes



Raise Awareness

Role of Civil Society



Observatories' Guide



Monitoring Bodies

Nongovernmental organizations and other members of civil society not affiliated with the tobacco industry could play an essential role in monitoring the activities of the tobacco industry.

Art 5.3 Guidelines, para 33

OBSERVATORIES' WEBSITES

The screenshot shows the header of the WHO Framework Convention on Tobacco Control Secretariat-Observatory website. It features the WHO logo on the left, followed by the acronym 'FCTC' in large red letters. Below this, it reads 'WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL' and 'SECRETARIAT-OBSERVATORY'. To the right is the logo for 'CENTRO DE ESTUDOS SOBRE TABACO E SAÚDE - CETAB' with 'ENSP • FIOCRUZ' underneath. Further right, the text 'OBSERVATORY ON STRATEGIES OF THE TOBACCO INDUSTRY' is displayed in red. A navigation bar at the bottom of the header includes links for 'MAIN PAGE', 'INTERFERENCES', 'LIBRARY', 'SUPPORT AND PARTNERS', 'DISCLOSURE', and 'CONTACT'.

The screenshot shows the header of the 'Observatório sobre as Estratégias da Indústria do Tabaco' website. It features a graphic of a man in a suit and hat holding a smartphone. To the left, the text 'OBSERVATÓRIO SOBRE AS ESTRATÉGIAS DA INDÚSTRIA DO TABACO' is written in red. The background is white with a light blue and yellow color scheme.

The screenshot shows the header of the 'CCT Centre for Combating Tobacco' website. It features the 'CCT' logo in large blue letters, with 'CENTRE FOR COMBATING TOBACCO' underneath. Below this, it reads 'Tobacco Observatory of Sri Lanka and the Region' and 'Faculty of Medicine, University of Colombo'. To the right are social media icons for Facebook, Twitter, Google+, and LinkedIn, along with a search bar containing the text 'type something and click enter'. A navigation bar below the header includes links for 'ABOUT US', 'TOBACCO UNMASKED', 'SARC CCT', 'NEWS', 'PUBLICATIONS', and 'CONTACT US'. The background is a dark blue gradient.

The screenshot shows the header of the 'ATIM Africa Centre for Tobacco Industry Monitoring and Policy Research' website. It features the 'ATIM' logo in large blue letters, with 'AFRICA CENTRE FOR TOBACCO INDUSTRY MONITORING AND POLICY RESEARCH' underneath. To the right are flags for 'ENGLISH' and 'Français', and a search bar. A navigation bar below the header includes links for 'HOME', 'ABOUT US', 'RESOURCES', 'TOBACCO CONTROL', 'LATEST NEWS', and 'CONTACT US'. The background is a dark blue gradient with a large image of a lit cigarette and the text 'LATEST NEWS' and 'AFRICAN TOBACCO INDUSTRY INTERFERENCE' in white.

<http://www.tabaco.ensp.fiocruz.br/en>

MONITORING CENTERS



Tobacco Industry Watch

South East Asia Tobacco Control Alliance

SOUTHEAST ASIA



Home About Us **Industry Watch** Country Profiles Media Centre Membership

Contact Us Donation

AFRICA

Toba

Philip Mo
OCCRP e
Tobacco
Quit the t
Asia's lea
Tobacco
Tobacco
2020 – A t
Malaysia:
KT&G so
TI steps-u
Philip Mo

IN

বিক্রেতার জন্য সিগারেট কোম্পানির 'বার্তা' ঝুলছে 'বিজ্ঞাপনের মতো'

Tobacco Industry Watch BD

BANGLADESH

TobaccoTactics

Інформаційно-тематичний ресурс

UKRAINE

HOME CASES ▾ ABOUT THE PROJECT DONORS PARTNERS CONTACTS EN UA

Arabic (اللغة العربية) English

EGYPT

Home About us News ▾ Publications Honorary board Detect a violation Contact us



Benefits to the Tobacco Indus

Welcome to
Egypt Tobacco Control

<http://www.tabaco>

OBSERVERS, the Academe & CSOs

UCSF ALL INDUSTRIES TOBACCO CHEMICAL DRUG FOOD FOSSIL FUEL
TRUTH TOBACCO INDUSTRY DOCUMENTS

menu
corporate accountability
JOIN THE GLOBAL CAMPAIGN



Tobacco CONTROL LAWS LEGISLATION LITIGATION GLOBAL LEGAL CENTER LANGUAGE
We hold lives it
We challenge International
STANFORD UNIVERSITY CIGARETTE CITADELS THE MAP PROJECT

TobaccoWatcher Articles Alerts Analyses About

STOP. A GLOBAL TOBACCO INDUSTRY WATCHDOG

Issues

Resources

News

Tobacco Tactics | UNIVERSITY OF BATH Search

CSR: Education

This page was last edited on 12 January 2021, at 8:52 pm.



and scent of cigarettes are pervasive, even ubiquitous. Sold at convenience stores, newsstands, truck stops, bars

FEATURED

Sabotage, Deceit and Duplicity

British American Tobacco Uncovered

EXPOSE TOBACCO →



Reporting Tools: MONITORING

EMAIL TO:
jmc2010_ph@yahoo.com
cc:
fctctii@gmail.com

INCIDENT REPORT

Tobacco Industry Interference

**required fields*

I was informed that the
***Name (person, organization, LGU):** _____
 Position/Address: _____
 Other details: _____

** Form of interference. Please check all that apply*
O Accepted the following contribution, favors, or so-called corporate social responsibility:
O Money: _____
O Sponsorship: _____
O Technical support/ assistance: _____
O Gifts/ Donation (name): _____
O Favors: _____
Others: _____

O Engaged in unnecessary interaction with
O Gave preferential treatment / benefits to
O Have/Had financial interest in
O Accepted other favors from
O Have a conflict of interest with
O Engaged in an occupational activity within

***the tobacco company**
(OR other entity or person that may be promoting the interests of the tobacco industry, particularly) _____

This happened on or about (date) _____

***This information is based on**
O published report (news, radio, etc)
O third party information
O concealed source
O personal knowledge/ observation
O others: _____
 Details: _____

I hereby submit this report O without attachments O along with attachments (specify) _____ in order to support implementation of the Department of Health-Civil Service Commission Join Memo Circular No.1 (Protection of the Bureaucracy from Tobacco Industry Interference) and related Article 5.3 policies

***DATE SUBMITTED:** _____

Definitions
 Tobacco industry shall refer to organizations, entities, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, lawyers, scientists, lobbyists, front groups and any other individual or organization that work to further the interests of the tobacco industry. This includes tobacco manufacturers such as

- Philip Morris Fortune
- Mighty Corporation
- Japan Tobacco
- British American Tobacco
- La Suerie

Recommended Action

TYPE OF ACTION RECOMMENDED
 Please check all that apply

- Verification
- Inspection /investigation
- Warning Letter preferably from authorities
- Letter/Petition from NGOs
- Acknowledgement Letter
- Media Response
- Comprehensive campaign
- Others: _____

TIMELINES SUGGESTED:

- Action due in
- 1 week or less
- 2-4 weeks
- 1 month or more

Template Warning/Notice Letter

Potential Violations

Dear _____

This refers to the news article (public/published document) entitled _____ published on _____ in _____. The pertinent (complete) text of the above-stated article reads, as follows:

XXXXX

(emphasis supplied)

This Office kindly directs your attention to Sec xx of JMC 2010-01 Department of Health-Civil Service Commission Join Memo Circular No.1 (Protection of the Bureaucracy from Tobacco Industry Interference) to wit:

XXXXX

The above provisions require that agencies exert effort to avoid any perception of partnership with the tobacco industry. Likewise, government agencies are prohibited from extending preferential treatment to the tobacco industry.

OR

The above provisions emphasize that civil servants are not allowed to receive any contributions, directly or indirectly, from the tobacco industry; engage in unnecessary interaction with or give preferential treatment to the tobacco industry. Civil servants with financial interest in the tobacco industry or with relationships that may result in conflict of interest with the tobacco industry must disclose it.

For your guidance and consideration please.

Thank you for your cooperation.

Article 5.3 Guidelines

Communication

Governance

Reject Partnerships

Limit Interaction

Avoid Conflict of Interest

Regulation

Treat state owned enterprise the same way



2 Limit Interaction & Ensure Transparency

Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur

Limit Interaction / Ensure Transparency



Practice

Australia, Bulgaria, Chile,
Cyprus, Lebanon, Madagascar,
Netherlands, New Zealand,
Panama, Thailand, Tanzania, UK



Policy

Australia, Burkina Faso*,
Cambodia*, Ghana*, Ireland,
Mexico*, NZ (*law)
Philippines, Russia* Singapore,
Uganda*



Website Publication

Australia, Canada, New
Zealand, Russia*,
Singapore, UK

PROTOCOLS on Interactions with Tobacco Industry



Chile/ Philippines: In “absolutely necessary” **meetings (CSOs) should be summoned** to the meeting, and the same should be recorded and made publicly available



Russia: interactions should be done in public, and that **industry appeals and answers** should be **on the official websites** of state authorities and local governments.



UK: HM Revenue and Customs **publishes online** the details of its meetings with the industry



Transparency: List of Meetings (UK)

Meetings with Tobacco Manufacturers/Importers and Trade Associations

| Date of meeting | HMRC officials | Organisation | Industry officials' titles | Issues discussed |
|-----------------|--|--|---------------------------------|--|
| 21 April 2021 | Excise and Environmental Taxes Design Policy officials | British American Tobacco, Chancellor Tobacco (UK) Ltd, Gwaith & Hoggarth, Imperial Tobacco Limited, Imported tobacco Products Advisory Council, Japan Tobacco International, Karelia UK, Philip Morris International, Tobacco Manufacturers Association; De La Rue | Trade Managers; Project Manager | Track and Tr |
| 27 April 2021 | Excise and Environmental Taxes Design Policy officials | Tobacco Manufacturers Association | Trade Managers | Regular mee discuss issu following th of the Transi Period |

Transparency data

HMRC policy meetings with tobacco stakeholders: April to June 2021

Published 16 July 2021

Meetings with other Tobacco Stakeholders

| Date of meeting | HMRC officials | Organisation | Industry officials' titles | Issues discussed |
|-----------------|--|--------------|----------------------------|--|
| 12 May 2021 | Excise and Environmental Taxes Design Policy officials | Booker | Trade Managers | Track and Trace – provision of scanning equipment review |
| 12 May 2021 | Excise and Environmental Taxes Design Policy officials | Bestway | Trade Managers | Track and Trace – provision of scanning equipment review |
| 13 May 2021 | Excise and Environmental Taxes Design Policy officials | Nisa | Trade Managers | Track and Trace – provision of scanning equipment review |

Transparency: List of Meetings (CA)

Government of Canada / Gouvernement du Canada

Search Canada.ca

Franglais

MENU

[Canada.ca](#) > [Departments and agencies](#) > [Health Canada](#) > [Health Concerns](#) > [Tobacco](#)

Health Canada Tobacco Control Directorate and tobacco and vaping industry meetings

Find out about meetings between Health Canada's Tobacco Control Directorate and industry representatives to regulate tobacco and vaping products in Canada. To meet [openness and transparency](#) requirements, the Directorate maintains a public record of meetings related to regulatory consultations and information on science and technology matters, which also align with guidelines set under the [World Health Organization Framework Convention on Tobacco Control](#).

Filter items Showing 1 to 10 of 51 entries | Show entries

| Meeting Date | Industry Name | Topics Discussed |
|--------------|--|--|
| 2021-04-08 | Vaping Industry Trade Association (VITA) | Quarterly update call |
| 2021-06-07 | Vaping Industry Trade Association (VITA) | Vaping Industry Compliance |
| 2021-02-18 | Convenience Industry Council of Canada | Vaping Regulations |
| 2020-12-21 | Canadian Vaping Association | Quarterly update call |
| 2020-12-01 | JUUL Labs Canada Inc. | Latest developments |
| 2020-08-11 | Canadian Vaping | Quarterly update call |

Transparency: List of Meetings (AU)



Australian Government
Department of Health



Search

Meetings between Health and the tobacco industry

There is a conflict of interest between the tobacco industry and public health policy. We only meet when needed to regulate the industry or tobacco products and we publish the details of these meetings in order to be transparent. Find out about [meetings held with the tobacco industry](#).

[Home](#) [Health topics](#) [Initiatives and programs](#) [Resources](#)

[Home](#) > [Resources](#) > [Publications](#)

Report on interactions between Health and the tobacco industry

We have obligations under the World Health Organization Framework Convention on Tobacco Control. Part of these is to report on our interactions with the tobacco industry.



Australian Government
Department of Health

Report on significant interactions between Health and the tobacco industry

| Date range | Type of interaction(s) | Who was involved | What was it about |
|---------------|---|--|--|
| November 2019 | Application to amend the Poisons Standard | <ul style="list-style-type: none">Phillip Morris Limited | Health received an application on 1 November 2019 from Phillip Morris Limited to amend the Poisons Standard, to exempt heated tobacco products from Schedule 7. Public consultation on this proposal was open from 20 December 2019 to 10 February 2020. The Joint Meeting of the Advisory Committee of Medicines and Chemicals Scheduling (ACMS/ACCS) considered the proposal on 11 March 2020. The interim decision is anticipated to be published in June 2020, which will be open to further public consultation. The final decision is expected to be published in August 2020. Phillip Morris Limited also requested an opportunity to present at the ACMS/ACCS March 2020 meeting. This request was not granted. |
| 4 March 2019 | Meeting | <ul style="list-style-type: none">Health representativesImperial Tobacco Australia LtdPhillip Morris International | The Tobacco Plain Packaging Amendment (Track and Trace Identifiers) Regulations 2018 — background colour of the unique identifier adhesive label for secondary packaging. |

Transparency: Submissions

The screenshot displays the Australian Government Department of Health Therapeutic Goods Administration website. The header includes the Australian Government logo and the text 'Australian Government Department of Health Therapeutic Goods Administration'. A search bar labeled 'Search TGA' is located in the top right. The navigation menu includes 'Home', 'Safety information', 'Consumers', 'Health professionals', 'Industry', 'About the TGA', and 'News room'. The 'Industry' tab is selected.

Nicotine

1. [Consultation submission: Australasian Association of Convenience Stores \(AACCS\) \(pdf,184kb\)](#)
2. [Consultation submission: Australian Lottery and Newsagents Association \(pdf,193kb\)](#)
3. [Consultation submission: Australian Medical Association \(AMA\) \(pdf,245kb\)](#)
4. [Consultation submission: Australian Retail Vaping Industry Association \(ARVIA\) \(pdf,755kb\)*](#)
5. [Consultation submission: Australian Tobacco Harm Reduction Association \(ATHRA\) \(pdf,630kb\)*](#)
6. [Consultation submission: Cancer Council \(WA\) \(pdf,275kb\)](#)
7. [Consultation submission: Charlie McCracken \(pdf,61kb\)](#)
8. [Consultation submission: Imperial Brands Australasia \(pdf,690kb\) *](#)
9. Consultation submission: Industry stakeholder - The submitter did not give permission for publication of their submission.

[Home](#) » [Industry](#) » [Scheduling of medicines & poisons](#) » [Public notices about scheduling](#) » [Public submissions on scheduling matters](#) A- A+ Share

Public submissions on scheduling matters referred to the Joint ACMS-ACCS #25 meetings held in June 2020 - nicotine

Scheduling of chemicals and poisons

23 September 2020

Public submissions made in response to the delegates' proposed amendments to the Poisons Standard for nicotine published on 17 April 2020 under regulation 42ZCZK of the *Therapeutic Goods Regulations 1990* (the Regulations).

Public submissions on proposed amendments referred to the Joint ACMS-ACCS #25 - nicotine

Related information

- [Public submissions on scheduling matters referred to the ACMS #31 and Joint ACMS-ACCS #25 meetings held in June 2020](#)

Ensure Transparency



The screenshot shows the top navigation bar of the Australian Government Department of Health website. The header includes the Australian Government logo and the text 'The Department of Health'. Below the header is a navigation menu with options: Home, Ministers, For Consumers, For Health Professionals, About us, Media Centre, Programs & Campaigns, and Resource. The main content area features a breadcrumb trail: Home / For Consumers / Education and Prevention / Tobacco. The title of the page is 'Public notification of meetings between the Australian Government Department of Health and the Tobacco Industry'. Below the title is a sub-heading: 'Notification about the meetings between the Australian Government Department of Health and the tobacco industry to the public'. A date stamp indicates the page was last updated on 01 June 2015. The main text discusses Article 5.3 of the WHO Framework Convention on Tobacco Control, which requires Parties to protect public health policies from commercial and other vested interests of the tobacco industry. It mentions that the Guidelines for implementation of Article 5.3 were adopted by the Conference of the Parties (COP) in 2008. The purpose of these guidelines is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective, recognizing the fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests. Key recommendations include that Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable effective regulation of the tobacco industry and tobacco products, and that any necessary interactions should be conducted transparently.

Australian Government
Department of Health

The Department of Health

Home / For Consumers / Education and Prevention / Tobacco /

Public notification of meetings between the Australian Government Department of Health and the Tobacco Industry

Notification about the meetings between the Australian Government Department of Health and the tobacco industry to the public

Page last updated: 01 June 2015

Article 5.3 of the WHO Framework Convention on Tobacco Control requires Parties, in setting and implementing their public health policies with respect to tobacco control, to act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

The [Guidelines for implementation of Article 5.3](#) were adopted by the Conference of the Parties (COP) in 2008 to assist Parties in meeting this obligation.

The purpose of the guidelines for implementation of Article 5.3 is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective, recognising that there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests. Key recommendations include that Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable effective regulation of the tobacco industry and tobacco products, and that any necessary interactions should be conducted transparently.

PROTOCOLS on Interactions with Tobacco Industry



*Agencies (with ongoing interactions)
Limit the opportunities that the tobacco industry has to influence, undermine or defeat tobacco control policies.*



*Stay mindful that the **tobacco industry** may have disguised objectives in conducting otherwise routine interactions.*



*Stay mindful that entities **may have disguised connections to the tobacco industry.***



Ensure other members of your team are kept aware of meetings and interactions with the tobacco industry

Guidance 2019, Australia

Ensure Transparency: All sectors ENFORCEMENT



European Ombudsman



Importance of FCTC Article 5.3 in the EU context

SPEECH - CITY Brussels - **COUNTRY** Belgium - **DATE** Wednesday March 24, 2021

Transparency & Confidentiality

No Confidentiality

Information, views and opinions intended to *inform the development of regulations* beyond what is part of a written submission to a formal consultation, *will not be treated confidentially by HC*. The department will accept correspondence or documents marked as confidential, but *will not treat them as such*. In line with information provided to the Industry Representative before, during and after submitting correspondence, all meeting notes or documents provided to HC within this context will be released, including in the context of requests under the [Access to Information Act](#).

[Français](#)

 Government of Canada Gouvernement du Canada



Tobacco and Vaping Regulatory Initiatives: Handling of information and privacy notice

The following notice explains how Health Canada will handle information from meetings and correspondence with Industry Representatives related to tobacco and vaping regulatory initiatives.

No Confidentiality

Information, views and opinions intended to inform the development of regulations beyond what is part of a written submission to a formal consultation, will not be treated confidentially by HC. The department will accept correspondence or documents marked as confidential, but will not treat them as such. In line with information provided to the Industry Representative before, during and after submitting correspondence, all meeting notes or documents provided to HC within this context will be released, including in the context of requests under the [Access to Information Act](#).

Privacy Notice

"The personal information you provide to Health Canada is collected pursuant to section 4(1) of the [Department of Health Act](#) and is governed in accordance with the [Privacy Act](#).



3 Reject partnerships

Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.

Reject Partnerships



No membership in
Committee

Bahrain, Brazil, Djibouti



No Partnership, No
Collaboration in Policy

Austria, Benin, Cambodia, Canada*, Congo,
Cyprus, Djibouti*, Gabon*, Kenya*, Kosovo*,
Kuwait*, Laos*, Namibia*, Oman, Mongolia*,
Netherlands, Norway, Philippines* Uruguay



No attendance, No
Seat

Colombia, Iran, Latvia, Senegal*



Tobacco Industry Denied/ Rejected

Instances reported

+ + + +
+ + + +

- + **ASSISTANCE:** Bahrain/ Colombia: Business association's committee membership;
Jordan: Tobacco standards **committee** (ecigarettes)
- + **ARRANGEMENT:** Australia on illicit trade proposal
- + **DRAFT INSTRUMENT:** Congo: Tobacco company's draft and study mission/ presentation (**Codentify**)
- + **OFFER OF ASSISTANCE:** Peru: Meeting with PMI ally (former Head of State)

On Illicit Trade Partnerships/ Agreements of Tobacco Companies




+ Australian Competition and Consumer Commission (ACCC) considered that the proposed arrangements would “give the Applicants *a quasi-regulatory role* ... [which] may be *inconsistent with* the WHO Guidelines for implementation of *Article 5.3*, because it *constitutes an instrument drafted by the tobacco industry*, offered as a substitute for legally enforceable tobacco control measures, and could create a community *perception of a partnership* between the Australian government (and government agencies) and the tobacco industry.” —Australia, *Guidance 2019*


+
+
+

Reject Contributions/ Partnerships

Sample Letter
to Reject: “*access
to policymakers,
disguise harms...
observe transparency..
Publicly reject.*”



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
SECRETARIAT



**UN
DP**
Empowered lives.
Resilient nations.

Sample letter renouncing partnerships with the tobacco industry (for NCM members to use should they be approached by the tobacco industry)⁵²

To: (Name of Organization or Person representing the Interests of the Tobacco Industry)

From: _____

Re: Offer of Assistance/Contribution/Partnership

Date:

Your offer of (state the offer made by the tobacco industry) is duly noted. In response, we wish to express that (country) recognizes that smoking is the leading cause of preventable death as it kills one out of every two smokers through a tobacco-related disease. Of the 1.3 billion smokers in the world, over 80% reside in developing countries such as ours. To battle this epidemic, our government has ratified the WHO Framework Convention on Tobacco Control (WHO FCTC), and committed to protect our policies from the commercial and vested interests of the tobacco industry (Article 5.3, General Obligations, FCTC).

Our office is aware that accepting assistance, contributions or partnerships from the tobacco industry provides it with a platform to access policymakers and to disguise the harms of the product. Our office observes transparency in dealings with the tobacco industry where such interaction is strictly necessary for regulation, in accordance with (cite policy, if any).

Hence, we see no recourse but to publicly reject your offer/invitation and remind you that such offers may lead to violations of code of conduct of public officials or our obligations under the WHO FCTC. (OPTIONAL: In addition, your activity may fall under acts that are prohibited under national laws on tobacco advertising, promotion, and sponsorship regulations.)

SOURCE Art 5.2 Toolkit (citing Art 5.3 Toolkit,

Reject Contributions/ Partnerships

AFRICA TIMES GOING UN OFFICIAL RAISES QUESTIONS OVER TOBACCO-COMPA

Outgoing UN official raises questions over tobacco-company ban

By *AT editor* - 14 July 2019 at 5:07 pm

ASH ACTION ON SMOKING & HEALTH

FRAMEWORK CONVENTION ALLIANCE BUILDING SUPPORT FOR TOBACCO CONTROL

CAMPAIGN for TOBACCO-FREE Kids

STOP. A GLOBAL TOBACCO INDUSTRY WATCHDOG

Health Policy Watch
Independent Global Health Reporting

Close The Doors That Help Tobacco Companies Influence UN Policy

Inside View 03/10/2019 · Deborah Sy

Share this:     

STOP. A GLOBAL TOBACCO INDUSTRY WATCHDOG

Reject Partnerships



TO: Members of the United Nations System
A: Chief Executives Board for Coordination

DATE: 20 August 2019

THROUGH:
S/C DE:

FROM: The Secretary-General
DE:

SUBJECT: **Non-Engagement with the Tobacco Industry**
OBJET:

“..encourage all entities in the UN to adhere to the Model Policy...and discourage the receiving of funds or partnering with the tobacco industry... to ensure alignment in our approach.”

A handwritten signature in black ink, appearing to be the initials of the Secretary-General, is located to the right of the highlighted text.

ABOUT THE MODEL POLICY FOR AGENCIES OF THE UNITED NATIONS SYSTEM ON PREVENTING TOBACCO INDUSTRY INTERFERENCE

- Carry out due diligence and:
 - do not accept donations from the tobacco industry or entities related to it;
 - do not establish public-private partnerships and conduct joint activities with the tobacco industry or entities related to it, and ensure that funding from the tobacco industry or entities related to them is effectively separated;
 - do not grant contracts to those who have conflicts of interest with established tobacco control policies or whose clients include the tobacco industry;
 - do not nominate a person related to the tobacco industry, directly or indirectly, to serve as a member of a committee, an advisory or expert group, or a governing body delegation; and
 - do not invite representatives from the tobacco industry and entities related to it to become co-sponsors of events or become members of committees, advisory or expert groups, or governing board delegations.
- Do not invest, or if you already are invested, divest from tobacco industry stocks or any organization that works to further its interest. For example, the United Nations Joint Staff Pension Fund restricts investment in the tobacco industry.
- Limit interactions with the tobacco industry to those strictly necessary to perform the duties of the agency. If interactions with the tobacco industry are necessary, ensure that those interactions are conducted transparently. When possible:
 - conduct those interactions in public;
 - disclose records of the meeting; and
 - characterize the meeting in a way that does not imply the existence of collaboration and/or partnership.



2017 session
Agenda item 12 (f)

Resolution adopted by the Economic and Social Council on 7 June 2017

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;

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

Purpose

The purpose of this policy 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 (hereinafter referred to as "the United Nations system").

Guidelines on Cooperation between the United Nations and the Business Sector

(Issued on 20 November, 2009)

- c) The UN will not engage with Business Sector entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour⁵, are involved in the sale or manufacture of anti-personnel landmines or cluster bombs, or that otherwise do not meet relevant obligations or responsibilities required by the United Nations.



4 Avoid Conflict of Interests

Avoid conflicts of interest for government officials and employees

Conflict of Interests: Code of Conduct



Code for Health/ Committee

Brazil, Ghana, Kenya,
Moldova, Oman, Panama,
Portugal, Thailand, Uganda



Guide/ Code for ALL civil servants

Australia, Brunei,
Kosovo, Mongolia,
Philippines



Code of Conduct (specific)

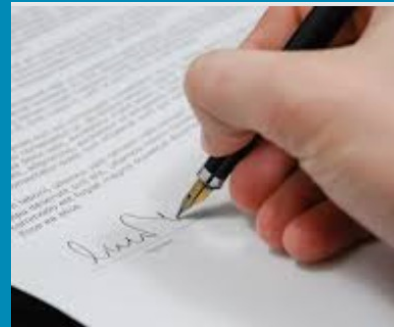
Norway (enforcers), UK
(diplomatic mission)

Conflict of Interest: Tools



No Hiring

Panama (3yr), Philippines,
Kosovo (1yr), Uganda (2yr)



Declaration of Interest

Canada, Ecuador,
Oman, Panama,
Philippines



Tobacco Control Law

Uganda

**Ninth session of the Conference
of the Parties to the WHO FCTC (COP9)
October 2020**

Declaration of interest for members of the public
All fields below must be completed

Country:

Organization:

Declaration of interest (please tick if applicable):

I declare that I and/or the organization(s) which I am employed do/does not receive any financial assistance, funding, other than taxes, or other fiscal duties, court mandated payments, or settlement from the tobacco industry, or any entity working to further its interests, nor have I/we within the past five years.

I declare that I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

I declare that I am not affiliated with, or have a professional relationship with the tobacco industry, or any entity working to further its interests. (NOTE: the notion of "professional relationship" used in this paragraph be understood as not including a public office holder's interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

I declare that the above information is true to the best of my knowledge, and understand that my accreditation may be rejected or revoked if the information is inaccurate.

If you are unable to check either one or both boxes, please explain below:

Signed by: *(full name and title)*

Date:

Signature:



Avoiding Conflicts of Interest at COP

“I am not and have **not been employed in the last five (5) years** by the tobacco industry or any entity working to further the interest of the tobacco industry”

”I am **not affiliated with** or have a professional relationship with the tobacco industry or any entity working to further its interests”

COP8: Declaration of Interest Forms



**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

Eighth session
Geneva, Switzerland, 1–6 October 2018

6 October 2018

DECISION

**FCTC/COP8(12) Maximizing transparency of delegations from Parties and observers to the
Conference of the Parties, its subsidiary bodies and other WHO FCTC
meetings**

The Conference of the Parties (COP),

Reaffirming the determination of the Parties to protect their public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law;

Emphasizing the need to be alert to interference by the tobacco industry in tobacco control efforts of the Parties and the need to be informed of activities of the tobacco industry that interfere with the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recognizing the importance of protecting sessions of the COP and its subsidiary bodies while also upholding the WHO Accountability Framework to “make available reliable and timely information about existing conditions, decisions and actions relating to its activities, in an accessible, visible and understandable fashion, unless the information is deemed confidential”;

Recalling recommendation 4.9 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC (the Guidelines), which states that Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP;

Avoiding Conflicts of Interest at COP

““When designating its representatives to the [name of the meeting], [name of the Party] has observed Article 5.3 of the WHO FCTC and has been mindful of the recommendations 4.9 and 8.3 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC”



***4.9 not nominate person employed by TI or any entity working to further its interests”**

***8.3 State owned industry representatives do not form part of delegations**

Preventing Revolving Doors

Specific Provisions from Codes of
Conduct or practices relating to
avoiding conflicts of interest



Panama: Commission Members must not have worked for the industry in the previous 3 years, nor may they work 3 years after appointment



Uganda: A person who has engaged in any occupational activity in <(2) years is not allowed to hold a position that has a bearing on...



Philippines: require applicants to declare any occupational activity with..



Kosovo: disallow hiring if formerly engaged with ..

Declaration of Interests



Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD
No. 3 Marcelino Street, Holy Spirit Drive, Diliman, Quezon City 1127
Tel. Nos. 9514981 to 85 (Trunkline) 9513306 (Fax)
website: www.cesboard.gov.ph



Career Service Board

**GUIDELINES REQUIRING FULL DISCLOSURE
OF INTERACTIONS WITH THE TOBACCO
INDUSTRY BY CAREER EXECUTIVE SERVICE
OFFICERS AND ELIGIBLES AND APPLICANTS
FOR CES ELIGIBILITY**

X - - - - - X

RESOLUTION NO. 1223

APPROVED this 27th day of May 2015 in Quezon City, Philippines.

- A self-certification, under oath, stating the circumstances surrounding his/her involvement the tobacco industry in accordance with CESB Resolution No. 1223, Series of 2015



Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD

No. 3 Marcelino Street, Isidora Hills Subd., Brgy. Holy Spirit, Diliman, Quezon City 1127 | Tel. Nos. +63 2 951 4981 to 85
Website: www.cesboard.gov.ph





**REVISED OMNIBUS POLICIES ON RANK
APPOINTMENTS IN THE CAREER
EXECUTIVE SERVICE (CES)**

X - - - - - X

Resolution No. 1516-A

Declaration of Interests

Sample DOI



Sample declaration of interest form for potential NCM members and for use in hiring and contracting, and at meetings and events⁵³

Declaration of Interest

- Consistent with the principle that there is an irreconcilable conflict of interest between the tobacco industry and its representatives on the one hand, and public health on the other hand, the undersigned hereby declares that he/she is, at present, not knowingly representing or receiving any contribution or compensation, directly or indirectly, whether financial or otherwise, from any tobacco or tobacco product manufacturer, wholesale distributor, importer of tobacco products, tobacco retailers, or any parent, affiliate, branch, or subsidiary of a tobacco or tobacco product manufacturer, wholesale distributor, importer or retailer, front group, or any other individual or organization, such as an interest group, advocacy organization, lawyer, law firm, scientist, lobbyist, advertising agency, business, or foundation, that represents or that works to further the interests of the tobacco industry.
- I have interests to declare at present (describe the interest, e.g., identity of tobacco-related commercial entity, nature of interest/s or relationship, etc.).
- In case of any past interests related to the tobacco industry, please list the details of such interest/s in the blank provided (name of tobacco company or of person or entity representing the tobacco industry, date of involvement, details of involvement).

SOURCE: Art 5.2 Toolkit 2019, Citing Art 5.3 Toolkit

Code of Conduct

Model Code of Conduct for NCM Members



TOOL 10. MODEL CODE OF CONDUCT FOR NCM MEMBERS

This tool provides: an overview of what a code of conduct for NCM members should entail, as well as an example code of conduct; a sample response letter to tobacco industry inquiries; and a template declaration of interest. It is imperative that all NCM members understand the limitations of, and restrictions on, relations with tobacco industry representatives or their surrogates, even if the industry is a direct constituent of the ministry or agency. It is crucial to emphasize transparency of communication and that the tobacco industry cannot participate, in any form or at any stage, in health-related tobacco policies.

The tobacco industry has historically employed a multitude of tactics to shape and influence tobacco control policy.⁴⁴ The tobacco industry has used its economic power, lobbying and marketing machinery, and manipulation of the media to discredit scientific research and influence governments in order to propagate the sale and distribution of its products. Furthermore, the tobacco industry continues to inject large “philanthropic” contributions into social programmes worldwide to create a positive public image under the guise of corporate social responsibility.

SOURCE: Art 5.2 Toolkit 2019, Citing Art 5.3 Toolkit

Code of Conduct

Rules which shall be included in the Amendment of the Code of Conduct of Each Agency

- (i) Public officials and employees shall limit interactions with the tobacco industry to those strictly necessary for its regulation and to ensure the transparency of those that occur.
- (ii) In the event that a meeting is strictly necessary, officials and employees shall abide by the following rules:
 1. Set the meeting agenda.ⁱⁱⁱ
 2. Ask the industry about what they want to discuss – then decide whether to agree with the meeting or not. Stick to the agenda and make the meeting brief.^{iv}
 3. Clarify the goal and structure of the meeting.^v
 4. Before the meeting, it must be made clear that such interaction does not imply partnership, dialogue or collaboration and indicate in writing to the tobacco industry that they may not mischaracterize the nature of the meeting.^{vi}
 5. Hold the meeting at the premises of the department/institution/agency/local government. ^{vii} Ensure that any photograph taken of this meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry.
 6. Predetermine the meeting participants by asking for the names and positions of those who will attend the meeting.^{viii}
 7. Moderate the meeting. A lawyer must be present and must closely advise the official/employee/representative during the meeting.^{ix}
 8. Write the official minutes.^x A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting. Transcript of the meeting must be filed for record purposes and be made available to the public upon request.
 9. Maintain the right to terminate the meeting at any point.^{xi}
 10. Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting.^{xii}
 11. Decide on follow up questions that must be answered after the meeting.
 12. All non-mediated exchanges (in person, phone or email) between officials, employees and representatives of the agency should be avoided.

- (iii) Public officials and employees shall declare any interest in the tobacco industry. They shall resign from his/her position in the tobacco industry within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.^{xiii}

For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including, but not limited to:^{xiv xv}

1. having an existing ownership or investment in the tobacco industry;
 2. being a member of the Board of Directors, an officer of the corporation or a partner in a partnership in the tobacco industry;
 3. receiving any contribution from the tobacco industry.^{xvi}
- (iv) Public officials and employees shall not demand or receive any contribution from the tobacco industry for themselves, their families, relatives, friends, or any other persons or organizations. Contributions shall include, but are not limited to, payments, gifts and services, monetary or in-kind, research funding, financial aid, policy drafts and legal advice.
 - (v) Public officials and employees shall avoid the creation of any perception of real or potential partnership or cooperation with the tobacco industry, and shall publicly correct any perception of partnership that may have been created.
 - (vi) Public officials and employees of agencies which have a role in setting and implementing public health policies with respect to tobacco control, shall inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving service; and to require applicants for such public office positions to declare any current or previous occupational activity with any tobacco industry whether gainful or not.

Provisions to be incorporated into other Codes of Conduct

Exclusionary Criteria

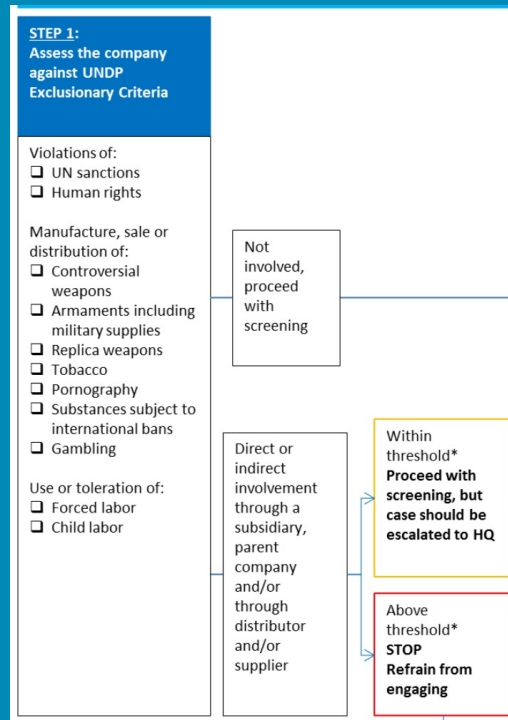
3.1 Exclusionary Criteria

Table 1 below lists UNDP's exclusionary criteria and provides guidance on whether or not to engage in cases where subsidiaries, parent companies and distributors or suppliers are engaged in activities that fall under exclusionary criteria. The table below is the result of consultations with other UN agencies and it represents the best amalgamation of existing standards in these agencies, with a special emphasis on the UNICEF approach.

TABLE 1: Exclusionary Criteria

| UNDP's Exclusionary criteria / Type of involvement ⁶ | Direct involvement of the potential partner in exclusionary criteria | Indirect involvement of the potential partner through a subsidiary in exclusionary criteria | Indirect involvement of a potential partner through the parent company in exclusionary | Indirect involvement through potential partner distribution / supply chain ⁷ in exclusionary |
|---|---|---|--|---|
| Manufacture, sale or distribution of tobacco or tobacco products | No engagement with manufacturers No engagement with retail companies if sales revenues from tobacco products are >5% of total revenues | No engagement | No engagement | N/A |
| Violations of UN sanctions and the relevant conventions, treaties, and resolutions, and inclusion in UN ineligibility lists or UNDP vendor sanctions list | No engagement | No engagement | No engagement | No engagement if sales revenues from products produced by companies that fall under this criteria are >10% of total |
| Violation of human rights or complicity in | No engagement ⁸ | No engagement if potential | No engagement if parent | Special caution should be |

⁶maximum threshold for exclusionary criteria for each criteria for the company, its subsidiaries, parent company or supply and distribution chain is defined in the policy. For example, UNDP can partner with a retailer even if they sell tobacco products as part of their portfolio, as long as it is less than 5% of their total revenue.



UNDP Due Diligence Policy/
Exclusionary Criteria

if systematic

Exclusionary Criteria

2019: Proposed Common
Approach for SDGs



UNSDG Common Approach to Prospect Research and Due Diligence for Business Sector Partnerships

Common Set of Exclusionary Criteria

| | | |
|---|--|---|
| 1 | Appearance on the United Nations Security Council Sanctions List ⁹ or the United Nations Ineligibility List, or in violation of UN sanctions, relevant conventions, treaties and resolutions | Entities directly engaged in activities inconsistent with the UN Security Council Sanctions, Resolutions, and other similar measures |
| 2 | Direct and core involvement in the manufacturing or trading of controversial weapons subject to bans under International Treaties | Entities directly and primarily ¹⁰ involved in the sale, manufacture or distribution of weapons banned by UN treaties, including anti-personnel mines, cluster bombs and ammunitions, and biological, chemical, or nuclear weapons, for instance |
| 3 | Direct involvement or complicity ¹¹ in systematic or egregious human rights | Entities engaging in any of the following: human rights abuse |
| 4 | Weapons manufacturing or sales as a core business ¹² | Entities directly and primarily involved in the sale, manufacture or distribution of weapons |
| 5 | Tobacco manufacturers | Entities for whom the core business ¹² is the production and wholesale distribution of tobacco products |
| 6 | Systematic failure to demonstrate a commitment or to meet in practice the principles of the United Nations, including statements or principles that are consistent with and reflect the Universal Declaration of Human Rights, the Rio Declaration and the ILO Declaration on Fundamental Principles and Rights at Work, the UN Global Compact or the United Nations Guiding Principles on Business and Human Rights | Entities that systematically ¹³ fail to demonstrate a commitment to meet the stipulated principles (human rights, labor, environment and anti-corruption) |

Exclusionary Criteria



WHO

WHO Framework of Engagement with Non-State Actors



UN Global Compact

Integrity Update 2017: de-list companies that fall under the tobacco exclusion



ECOSOC

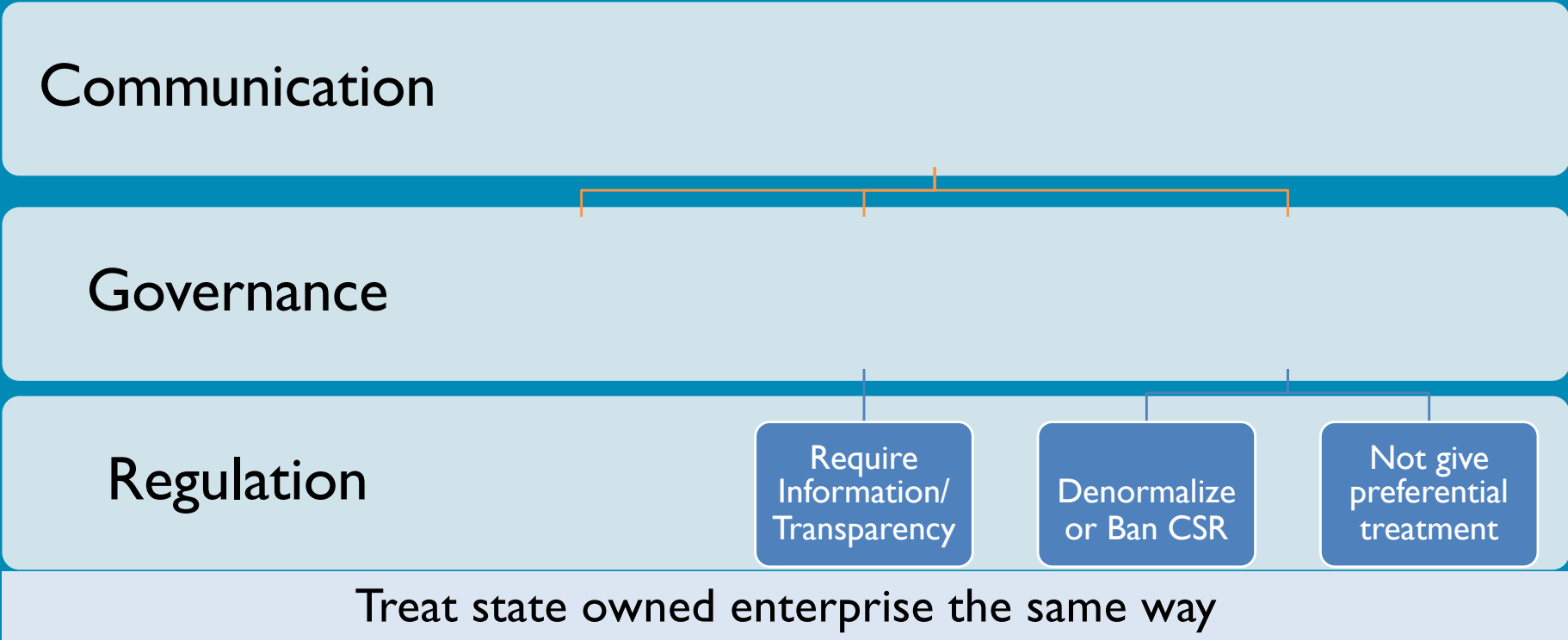
Model policy for agencies of the United Nations system on preventing tobacco industry interference



UNDP

Due Diligence Policy

Article 5.3 Guidelines



REGULATION: Practices



Require information

France Thailand Uganda



Denormalize/ Ban
Tobacco CSR

Bangladesh, Philippines, India,
Egypt, Ecuador, Poland, Vietnam



No Preferential
Treatment/ Benefits

Norway, Australia, Singapore, UK

Image Source: Compensation Café, earth.org, dreamstime.com



5 Require Information

Require that information provided by the tobacco industry be transparent and accurate.

Information Required



Information that should be required from the tobacco industry, Box 1 p11, Tobacco Industry Accountability, produced by GGTC for STOP.

Box 3. Information that should be required from the tobacco industry

- Persons:** Registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf, including lobbyists and entities where they hold memberships. (Article 5.3)
- Manufacturing:** General information on market volumes, trends, forecasts, and other relevant information; quantities of tobacco products and manufacturing equipment in the licensee's possession, custody or control kept in stock, in tax and customs warehouses under the regime of transit or trans-shipment or duty suspension as of the date of the request; revenue and pricing. (Article 6)
- Supply chain:** Information on manufacture, market share, and those listed in the Illicit Trade Protocol, including details on and from entities in the supply chain, e.g., those required for licensing, due diligence, and tracking and tracing purposes.
- Marketing:** Information on marketing expenditures and details about tobacco advertising, promotion, and sponsorship (TAPS), including, but not limited to:
 - The kind of TAPS, including content, form, and type of media.
 - The placement and extent or frequency of TAPS.
 - The identity of all entities involved in TAPS, including advertising and production companies.
 - In case of cross-border TAPS originating from a Party's territory, the territory or territories in which it is intended to be or may be received.
 - The amount of financial or other resources used for TAPS (Article 13).
- CSR/research:** Tobacco industry's so-called CSR activities and entities engaged in the same (Article 5.3);¹⁴⁹ marketing expenditures and any other activity, such as research (research grants), policy submissions, funding of third parties/nongovernmental organizations (FCTC/COP8 (18)).¹⁵⁰
- Lobbying:** Expenses or activities on lobbying, philanthropy, and political contributions; initiatives to engage government, directly or indirectly, such as meetings with public officials, proposed partnerships, draft or proposed legislation, policy papers or offers of assistance.¹⁵¹ Names of employees and consultants, including former government employees; gifts, services or contributions extended directly or indirectly to public officials or persons related thereto; any political contributions made.¹⁵²
- Evidence:** Information that would support filing cases against the tobacco industry to hold it liable, e.g., revenue, scientific claims and studies, activities in foreign countries, scientific funding, public relations strategies, etc., in accordance with Article 19.¹⁵³
- Production:** Information on tobacco production, including tobacco industry practices and cultivation of tobacco.¹⁵⁴
- Other:** Activities of the tobacco industry that have an impact on the Convention or national tobacco control activities,¹⁵⁵ or any information required to support tobacco control measures.¹⁵⁶

Source: Updated from SEATCA & HealthJustice Toolkit on Article 5.3 Implementation

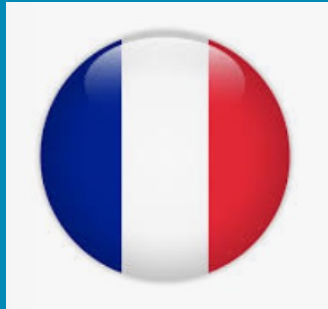
Exchange Information

“In accordance with Article 20.4(c) of the Convention, each Party should endeavour to cooperate with competent international organizations to establish progressively and maintain a **global system to regularly collect and disseminate** information on **tobacco production and manufacture and activities of the tobacco industry which have an impact** on the Convention or national tobacco control activities.”

“Parties reporting via the **existing reporting instrument** of the Framework Convention should provide information on tobacco production and manufacture and the activities of the tobacco industry that affect the Convention or national tobacco control activities”

Art 5.3 Guidelines

Require Information



France

Ordinance of May 2016

lobbying expense of 500k Euro reported
in 2020



Thailand


Tobacco Products Control
Act, 2017



Uganda

Tobacco Control Act 2015

Require Information: Uganda TC Law

| | | |
|--|--|----------------------|
|  THE REPUBLIC OF UGANDA | <i>Tobacco Control Act</i> <i>Sixth Schedule.</i> | 2015 s.43. |
| Contents of report by the tobacco industry to the Committee. | | |
| <ol style="list-style-type: none">1. The quantity of tobacco or tobacco product manufactured, imported or distributed by the manufacturer, importer or supplier, the quantity which is sold, and the revenues from the sales.2. The corporate taxes owed and paid.3. The contents and emissions of the tobacco product.4. The tobacco product revenues and profits, specified by region and sector and, in the case of tobacco manufacturers, by wholesalers and retailers.5. The location, address and corporate name of the tobacco and non-tobacco subsidiaries, affiliates, joint ventures, partners, suppliers, and licensees of the manufacturer, importer, supplier or distributor as the case may be.6. The litigation in which the corporation or its officers or directors or a subsidiary and its officers or directors is or was, at any time a party to the litigation.7. The contraventions of the Act or prosecutions if any, against the corporation or any of its officers or directors.8. Information on the tobacco product imports and exports, as required by Regulations made under this Act, and the import and export partners and locations.9. All activities attempted or undertaken to influence the formulation or implementation of any policy or legislation, directly or indirectly, related to tobacco control or public health.10. The identification of lobbyists and lobbying firms and all other persons, including employees used for the purpose of taking or attempting action to influence the formulation or implementation of any policy or legislation directly or indirectly related to tobacco control or public health, including advertising, along with an itemization of the costs incurred and payments made in regard to these activities. | | |

| | | |
|--|----------------------------|-------------|
| Act | <i>Tobacco Control Act</i> | 2015 |
| <ol style="list-style-type: none">11. The membership in any trade or business associations, payments made to any trade or business associations, including not for profit associations, and the purpose of any such payments.12. The payments made to any persons that engaged in any advocacy concerning tobacco control or public health policy or legislation.13. The conferences, seminars, workshops, training evenst, or other fora related directly or indirectly to tobacco, tobacco products, or tobacco control, organised or supported in whole or in part, or attended, along with any other required information about the forums as may be prescribed by Regulations made under this Act.14. The offers of payment provided to a scientist, researcher, journalist, and any other person specified in Regulations made under this Act and the purpose for the payment.15. The offers or payment, gifts, contributions of any kind, or perquisites made, given, or offered directly or indirectly to any public office holder responsible for tobacco control.16. The offers or contribution or payment of any kind to any Government institution, body, board, commission, committee, work group, and other organ, and the purpose of the contribution or payment.17. The contact initiated and any interaction with a public office holder having any responsibility for tobacco control.18. The offers or payment made to any political party, candidate, campaign, or any person acting on their behalf.19. Any other information as may be prescribed in Regulations.20. Any other information that may be required by the Committee. | | |

Comprehensive
list

Require Information: France

Experts, third parties

Excerpts from French Law as published on 20 May 2016 in the
OFFICIAL JOURNAL OF THE FRENCH REPUBLIC,
Text 27 of 128, GENERAL TEXTS,
MINISTRY OF SOCIAL AFFAIRS AND HEALTH

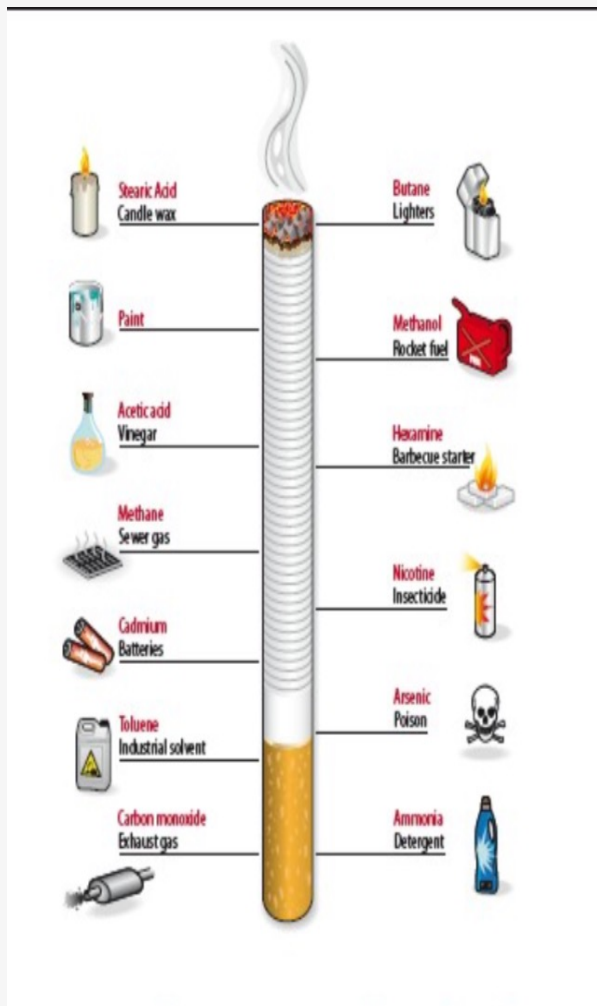
**Ordinance No. 2016-623 of 19 May 2016 transposing Directive 2014/40 / EU on
manufacturing, presentation and sale of tobacco products and related
products**

xxx

Art. L. 3512-7. - I. - Manufacturers, importers and distributors of tobacco products, as well as companies, professional organizations or associations representing them, submit a report each year to the Minister of Health detailing all the expenses related to activities influence or representation of interests.

II. – The following are considered expenses related to activities of influence or representation of interests:

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.



Require information: Mexico

Public Access

“companies producing, importing or trading tobacco products to release information concerning the content of their products to the Ministry of Health, inc. ingredients and emissions, and their health effects, ...to make them available to the general population.”



6 Denormalize CSR

Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry.

Tobacco so-called CSR

63 countries have a comprehensive ban on tobacco advertising and sponsorships including so-called CSR Activities



+ + + +
+ + + +

CSR-linked Sponsorship

26th INTERNATIONAL CONFERENCE ON THE FUTURE OF ASIA



| | | | | | |
|--|---|---|---|---|---|
| Mahathir bin Mohamad Former Prime Minister, Malaysia | K.P. Sharma Oli Prime Minister, Nepal | Gotabaya Rajapaksa President, Sri Lanka | Hun Sen Prime Minister, Cambodia | Heng Swee Keat Deputy Prime Minister and Coordinating Minister for Economic Policies, Singapore | Subrahmanyam Jaishankar External Affairs Minister, India |
| Yoshihide Suga Prime Minister, Japan | Pham Minh Chinh Prime Minister, Vietnam | Prayut Chan-ocha Prime Minister, Thailand | Muhyiddin Yassin Prime Minister, Malaysia | Imran Khan Prime Minister, Pakistan | Thongloun Sisoulith President, Lao People's Democratic Republic |

| | | | |
|--|--------|-----------|------|
|  A GLOBAL TOBACCO INDUSTRY WATCHDOG | | | |
| | Issues | Resources | News |

How Philip Morris is Trying to Subvert the 'Future of Asia'

DAY 2- 9 Panel discussion
Sustainable Growth and Transformation in Asia



Jacek Olczak
Chief Oper Officer, Ph Morris Internation...



PHILIP MORRIS JAPAN

Denormalize so-called CSR: Not endorse, support, participate



Good afternoon,

On behalf of Hon Damien O'Connor, thank you for your email regarding Minister O'Connor's previously scheduled attendance at the Nikkei Future of Asia Conference.

Minister O'Connor has made the decision to withdraw from the conference due to its sponsorship by Philip Morris International. The Minister was not aware of their sponsorship of the event when he agreed to take part.

The Labour Government is committed to seeing New Zealand become a smokefree nation by 2025. As such, Minister O'Connor felt attending the Nikkei Future of Asia Conference with the current tobacco sponsorship would be inconsistent with that commitment.

Attending conference with the current (tobacco) sponsorship would be inconsistent with that commitment (for New Zealand to become a Smoke Free nation by 2025)

Minister for Trade and Export
New Zealand



Damien O'Connor
Minister for Trade and Export Growth,
New Zealand

Denormalize So-called CSR: Inform about scope & purpose

AUSTRALIA Guidance 2019



“.. intended to promote, enhance or market the corporate brand, product, public relations or related image. These may include any youth, public education, political, social, financial, educational or community contribution, such as: •

- voluntary marketing codes
- financial contributions to non-government organisations
- promoting or encouraging activities to work with governments, for example to address the illicit trade in tobacco or supporting environmental projects
- promoting products purportedly claiming to be less harmful than conventional tobacco products
- providing scholarships
- organising or endorsing youth smoking prevention programmes “

Denormalize So-called CSR: Not allow acceptance

AUSTRALIA Guidance 2019



“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 off support for or participation in the tobacco industry’s** ‘corporate social responsibility’ activities. • Be cautious of any claims of ‘socially responsible’ activities.”

Denormalize so-called CSR

Guidelines to Denormalize the So-Called CSR Activities of the Tobacco Industry

4. When officials are approached about, or become aware of, so-called CSR activities, they shall promptly document and report the same, not later than 15 days from knowledge, to the officials of the (various offices) and the heads of local government units. Upon receipt of such report, the officials shall:

a. issue a public admonition in writing to the tobacco industry representative/s responsible for so-called CSR activities being sponsored and promoted, directly or indirectly, by the tobacco industry, including public disclosures of such activities and the expenditures therefor;

b. issue a letter to the particular office, entity, or unit that received, about to receive, or approached by the tobacco industry for so-called CSR activities, reminding the latter that such is prohibited and that they are required to document and report in accordance with these Guidelines; and,

DOH Department Memo 26 2010

Denormalize so-called CSR



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

May 15, 2020

DEPARTMENT MEMORANDUM
No. 2020 - 0246

TO : ALL UNDERSECRETARIES AND ASSISTANT SECRETARIES; DIRECTORS OF BUREAUS AND CENTERS FOR HEALTH DEVELOPMENT; MINISTER OF HEALTH – BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO; EXECUTIVE DIRECTORS OF SPECIALTY HOSPITALS AND NATIONAL NUTRITION COUNCIL; CHIEFS OF MEDICAL CENTERS, HOSPITALS, SANITARIA AND INSTITUTES; PRESIDENT OF THE PHILIPPINE HEALTH INSURANCE CORPORATION; DIRECTORS OF PHILIPPINE NATIONAL AIDS COUNCIL AND TREATMENT AND REHABILITATION CENTERS AND ALL OTHERS CONCERNED

Interim Guidelines on Tobacco Control in light of the COVID-19 Pandemic



Joint Memorandum Circular
Protecting the Bureaucracy
against Tobacco Industry Interference

- All LGUs, other national government agencies, health facilities, academe, schools/universities, and other persons-in-charge of institutions, establishments, and facilities are encouraged to impose stricter policies on tobacco control to protect their constituents, students, and employees during and after the COVID-19 pandemic.
- Advocacy campaigns/activities requiring mass gathering shall be discouraged in tobacco cessation programs.
- Tobacco and vapor products shall **NOT** be classified as essential goods. Appropriate regulations, restrictions and/or ban on the use of these products shall be encouraged in accordance to existing national and local policies.
- Unnecessary interaction with the Tobacco Industry, other than for effective regulation, supervision or control done with complete transparency and according to existing guidelines, shall be prohibited among public officials and employees as stipulated in the CSC-DOH JMC 2010-01.
- Public officials and employees are prohibited from directly or indirectly soliciting and/or accepting gifts, gratuity favors, entertainment, loans or anything of monetary value from any person or entity related to the tobacco industry in the course of their official duties (CSC-DOH JMC 2010-01).
- Likewise, public officials and employees shall not, directly or indirectly, endorse, support, form partnerships with, or participate in so-called corporate social responsibility activities sponsored and promoted by the tobacco industry, as well as accept contributions from the same except for compensations due to legal settlements or mandated by law in accordance to DM No. 2010-0126. (See **Annex A**)
- All donors shall accomplish and submit a Declaration of Interest (DOI), as stipulated in the Department Memorandum No. 2020-0156, to ensure that no donations or assistance from the tobacco industry will be accepted.

Denormalize so-called CSR



INTERNATIONAL YEAR
FOR THE ELIMINATION
OF CHILD LABOUR

ABOUT LEARN ACT

STOP, A GLOBAL TOBACCO INDUSTRY WATCHDOG
pledges to

**Expose tobacco industry tactics in order to eliminate
child labour**

[Read full pledge](#)



ASH ACTION ON SMOKING & HEALTH

corporate accountability JOIN THE GLOBAL CAMPAIGN

NCD Alliance

JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH

Institute for Global Tobacco Control

STOP. A GLOBAL TOBACCO INDUSTRY WATCHDOG

AN OPEN LETTER TO THE ILO

To: Director General of the International Labor Organization (ILO) and the Government Members of the 337th Session of the ILO's Governing Body

**Reject Tobacco Funding.
Regulate the Tobacco Industry.**



FRAMEWORK CONVENTION
ALLIANCE

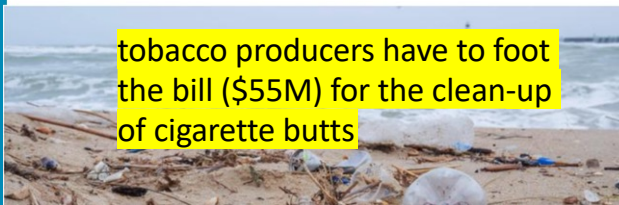
News & Events Resource

**The ILO Ends
Contracts with
Tobacco Companies**

Denormalize so-called CSR

DW Made for minds.

5 things to know about the EU single-use plastics ban



tobacco producers have to foot the bill (\$55M) for the clean-up of cigarette butts

The Connexion
French news and views

Tobacco manufacturers to pay for cigarette butt clean-up in France

100M Euros

Government says estimated €100million annual cost of reducing environmental pollution caused by cigarette butts will mainly be met by firms, rather than taxpayers

9 July 2021

Treelugger
Sustainability for All.

How Does the Tobacco Industry Affect the Environment? New Brief Sheds Insight

Cigarettes harm the environment from their production through to their disposal

By Olivia Rosane | Fact checked by Haley Mast on July 15, 2021 02:08PM EDT



Tatler
The Scene Power & Purpose Style Dining Homes Culture Gen.T

IDEAS & EDUCATION

Why Imposing A Tax On Cigarette Butts Is Important To Save Our Environment

REUTERS
World Business Legal Markets Breakingviews Techn

March 30, 2021
5:10 PM PST
Last Updated 6 months ago

United Kingdom

UK warns big tobacco firms: You should pay for cleaning up cigarette butts

Denormalize so-called CSR



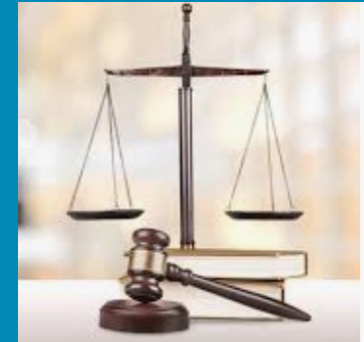
Raise Awareness/Warn
ALL Branches

India, Philippines



Not Endorse, Not
Allow Acceptance

Egypt (Smoke Free),
Ecuador (customs
partnership), Poland,
Vietnam (PMI-FSFW grants)



Not Allow Public
Disclosure





INCENTIVES

7 No preferential treatment

Do not give preferential treatment to the tobacco industry (incentives , benefits, and privileges).

Disallow giving preferential treatment

AUSTRALIA





- + Report any attempt at any level to accept contributions from the tobacco industry or an agent of the tobacco industry, except for compensation due to legal settlements, mandated by law or pursuant to legally binding agreements.
- + • Do not provide preferential tax exemptions to the tobacco industry.
- + • Do not grant incentives, privileges or benefits to the tobacco industry. Do not give any awards or accolades to the tobacco industry.
- + • Do not engage with foreign governments in their capacity as representatives of their state-owned tobacco interests.

No Preferential Treatment: Awards

President's Industrial Development Award Guidelines 2021

7.1 Any industry shall not be considered eligible under these guidelines, if - ...

d) Any organization producing tobacco or tobacco related products or any product harmful for the public health

বাংলাদেশ  গেজেট  মুজিব শতবর্ষ 100

Bangladesh Gazette

Additional Issue
Published by Authority

Wednesday, August 11, 2021

Government of People's Republic of Bangladesh
Ministry of Industries
শিল্প উন্নয়ন ও কার্যক্রম বিভাগ

৭। মনোনয়নের অযোগ্যতা

৭.১ কোন শিল্প প্রতিষ্ঠান এ নীতিমালার অধীন মনোনয়নের জন্য যোগ্য বিবেচিত হবে না, যদি—

(ঘ) তামাক বা তামাকজাতীয় পণ্যভিত্তিক বা জনস্বাস্থ্যের জন্য ক্ষতিকর কোন পণ্য উৎপাদনকারী প্রতিষ্ঠান

No Preferential Treatment: Trade Support

US EO13193

Executive Order 13193 of January 18, 2001

Federal Leadership on Global Tobacco Control and Prevention

Sec. 2. Responsibilities of Federal Departments and Agencies. (a) Tobacco Trade Policy. In the implementation of international trade policy, executive departments and agencies shall not promote the sale or export of tobacco or tobacco products, or seek the reduction or removal of foreign government restrictions on the marketing and advertising of such products, provided that such restrictions are applied equally to all tobacco or tobacco products of the same type. Departments and agencies are not precluded from taking necessary actions in accordance with the requirements and remedies available under applicable United States trade laws and international agreements to ensure nondiscriminatory treatment of United States products. Nothing in this Executive Order shall be construed (1) to modify the annual executive branch guidance to United States diplomatic posts on health, trade, and commercial aspects of tobacco, or (2) to affect any negotiating position of the United States on the Framework Convention on Tobacco Control.



THE WHITE HOUSE,
January 18, 2001.

No Preferential Treatment: ISDS



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Landmark legal victory for public health and a major setback for the tobacco industry

Press release
10 June 2020

Medical  press

Topics

Conditions

JUNE 9, 2020

WTO backs Australia's neutral cigarette packs, again

TPP Tobacco Exception Proves the New Rule in Trade

COUNCIL on FOREIGN RELATIONS | 100


The special exemptions for tobacco products in the TPP trade deal say less about cross-border investment rules generally, and more about the unique nature of tobacco under U.S. and international law, writes CFR's Thomas Bollyky.

Expert Brief by Thomas J. Bollyky



Divest


New Zealand,
Norway,
Australia, France,
Ireland, Panama

 **TOBACCO FREE PORTFOLIOS** Donate

The Pledge

\$11,738,991,374,449

total assets under management signed up to The Pledge and counting...

Sovereign Wealth Funds 

- NZ Superannuation Fund - 2006
- The Government Pension Fund of Norway - 2010
- Australian Future Fund - 2013
- Fonds de Réserve pour les Retraites: France - 2016
- Irish Sovereign Investment Fund - 2016
- Sovereign Wealth Fund of the Republic of Panama - 2018

Deutsche Asset Management

..we estimate that the industry creates at least 5 times more societal costs than benefits

TOBACCO'S INVESTMENT RETURNS AND SOCIETAL COSTS

A new perspective on tobacco engagement and divestment

September 2017

PUTTING PRINCIPLES INTO PRACTICE

RESPONSIBLE INVESTMENT ANNUAL REPORT 2021



INVESTMENT GRADE CREDIT **We have seen a market shift away from ..tobacco companies.**

Lucy Speake

19 Jan 2010
Vibeke Laroi, Josiane Kremer, BusinessWeek

Article

Norway Excludes 17 Tobacco Companies From Oil Fund

Altria, Alliance One, British American Tobacco, Imperial Tobacco, Lorillard Tobacco (part of Carolina Group), ...

 **Business & Human Rights Resource Centre**

SECTIONS Wednesday, September 1, 2021 INQUIRER.NET TODAY'S PAPER

NEWS OPINION SPORTS LIFESTYLE ENTERTAINMENT BUSINESS TECHNOLOGY GLOBAL NATION

HEADLINES

Tobacco sector bucks plan to hike tax stamp prices

By: Ben O. de Vera - Reporter / @bendeveraINQ Philippine Daily Inquirer / 04:05 AM March 29, 2021

THE HINDU BusinessLine

Indian tobacco seeks 5% tax relief to boost exports

KV Kurmanath | Hyderabad | Updated on August 26, 2021

BUSINESS RECORDER
Founded by M.A. Zaben

FY22 Budget: Tax relief on beverages, cigarettes, tea under study

Sohail Sarfraz 01 May 2021

Facebook Twitter Whatsapp Comments



THE STRAITS TIMES ASIA LOG IN SUBSCRIBE

Indonesia to slow down pace of tobacco tax hike due to Covid-19 pandemic



HOUSE OF REPRESENTATIVES

House approves bill lowering to 18 the minimum age to use e-cigarettes

MAY 26, 2021 4:50 PM PHT
RAMBO TALABONG

No Preferential Treatment

POLICY NOTE



WORLD BANK GROUP

IS TOBACCO TAXATION REGRESSIVE?

WORLD BANK  BLOGS

Using the COVID-19 Response to Advance Universal Health Coverage

AJAY TANDON & SUTAYUT OSORNPRASOP | JUNE 02, 2021

A propitious time to ramp up health taxes
...such as tobacco..

World Bank exits event funded by tobacco companies

Sushmi Dey / TNN / Updated: May 2, 2015, 04:18 IST

No preferential treatment: Loans

- Not lend directly for tobacco production processing or marketing
- Not lend indirectly for tobacco production activities
 - Except countries dependent on tobacco..seek help to diversify
- Include in negative list of imports

OP 4.76 - Tobacco

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

OP 4.76
October, 1999

This Operational Policy statement was revised in March 2012 to take into account the provisions of [OP/BP 9.00](#), issued in February 2012.

Note: OP 4.76 is based on the paper *Policy on Tobacco* (R91-225), October 9, 1991, and the chairman's summing up of the executive directors' discussion of the paper on November 26, 1991 (SecM91-1565). It replaces the version dated March 1994.

Questions may be addressed to the Director, Health, Nutrition, and Population.

Revised March 2012

1. The Bank¹ does not lend directly for, invest in, or guarantee investments or loans for tobacco production, processing, or marketing. Exceptions, which must be approved by the Vice President, Operations Policy and Strategy, may be allowed for countries that are heavily dependent on tobacco as a source of income (especially for poor farmers and farm workers) and foreign exchange earnings (i.e., those where tobacco accounts for more than 10 percent of exports). The Bank seeks to help these countries diversify away from tobacco.
2. To the extent practicable, the Bank does not lend indirectly for tobacco production activities, although some indirect support of the tobacco economy may occur as an inseparable part of a project/program that has a broader set of objectives and outcomes (e.g., rural roads).
3. Unmanufactured and manufactured tobacco, tobacco processing machinery and equipment, and related services are included in the negative list of imports in Loan Agreements.
4. Tobacco and tobacco-related producer or consumer imports may be exempt from borrowers' agreements with the Bank to liberalize trade and reduce tariff levels.
5. Bank activities in the health sector--including sector work, policy dialogue, and lending--discourage the use of tobacco products.²

World Bank Operational Manual

8 Treat state-owned the same way

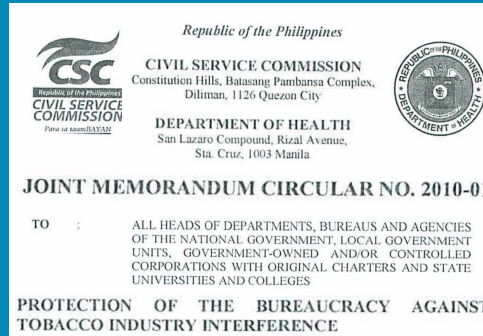
Treat State-owned tobacco industry in the same way as any other tobacco industry

Comprehensive Policies



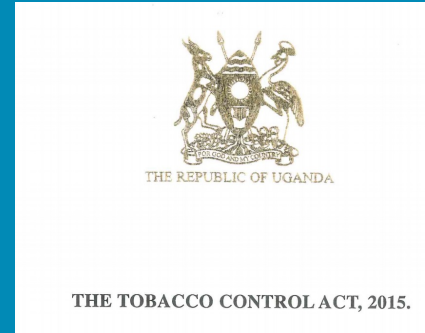
AUSTRALIA

Health 2019
(All)



PHILIPPINES

Civil Service
Commission-Health
2010 (All)



UGANDA

Parliament 2015
(All)



UK

Health 2013
(Overseas officials)

Featured Article

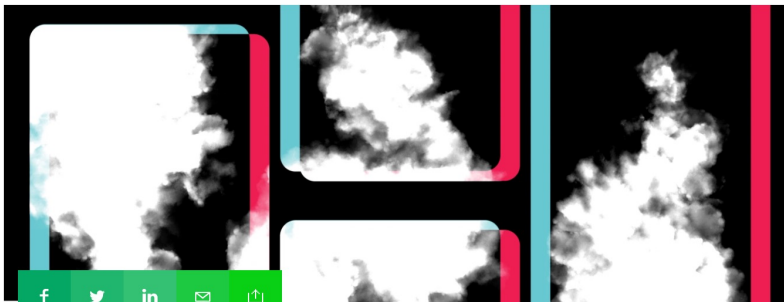


TikTok is being used by vape sellers marketing to teens

Sellers are offering flavored disposable vapes, parent-proof 'discreet' packaging, no ID checks

Sarah Perez @sarahintampa / 12:40 AM GMT+8 • January 27, 2021

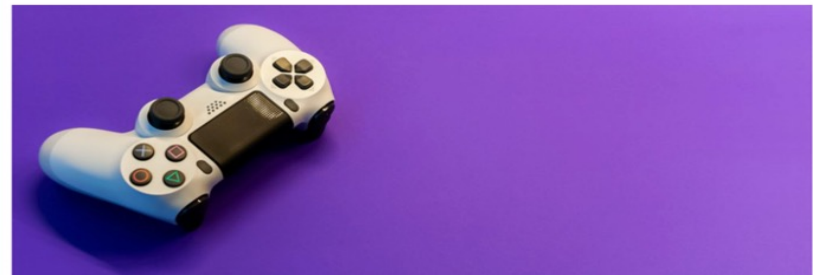
Comment



 **The European Business Review**
empowering communication globally

7 Reasons Why Vaping Is Good for Gamers

May 31, 2021



Shift to New Products

2019
Range of potentially reduced-risk products available across multiple markets
Science-based carbon-reduction targets set
Achieved leader status in the Global Child Forum's benchmark study of children's rights

2025
Eliminate unnecessary single-use plastic and make all plastic packaging reusable, recyclable or compostable

2030
target to achieve carbon neutrality for our business activities and by 2050, for our value chain

2016–2019 | **ACCELERATING | 2020–2050**

A BETTER TOMORROW™
2020 Group strategy refreshed with our purpose to build A Better Tomorrow™

2030
target to increase consumers of non-combustible products to **50m**

Products

12.7 million

Adult users who have switched to IQOS and stopped smoking, out of 17.5 million total IQOS users

64

Markets where IQOS was available for purchase, of which 52 percent were in non-OECD countries

76%

Of PMI's total commercial expenditure dedicated to smoke-free products

ESG Topic

Reducing the Health Impact of Our Business

- Consumer choice
- World-class science
- Standards and regulation

Our Goals

- Reach **£5 billion** revenue from our New Category products by 2025
- Reach **50 million** consumers of non-combustible products worldwide by 2030

Progress in 2020

- £1,443 million, up by 15% from previous year
- 13.5 million consumers of non-combustible products, up by 3 million (vs. 2019)

2014

PMI pilots its heat-not-burn product, IQOS, in Italy and Japan

2016

PMI announces its ambition to deliver a smoke-free future, shifting its resources toward the development and responsible marketing of less harmful noncombustible alternatives that are scientifically substantiated

2020

PMI's Board of Directors adopts PMI's Statement of Purpose, reaffirming the company's commitment to deliver a smoke-free future

IMAGE SOURCES: BAT ESG Report 2020 and PMI Integrated Report 2020

WHO FCTC Article 5.3 Implementation

**NOVEL & EMERGING NICOTINE &
TOBACCO PRODUCTS (NENTP)**

Tobacco Transnational's Acquisitions

TABLE I. KEY PLAYERS IN NENTP FROM THE TOBACCO INDUSTRY

| TOBACCO INDUSTRY ⁵⁴ | ENDS BRANDS | HTP BRANDS | CORPORATE BRANDING | RELATED STRATEGIES/ GLOBAL MARKET PROJECTION |
|--|----------------------------|---------------------------------|--|---|
| British American Tobacco (BAT) / RJ Reynolds (acquired Lorillard) ⁵⁵ | Vype / Vuse | Glo Eclipse / Revo / Neocore | Better Tomorrow (Formula I) | Transforming Tobacco, A Better Tomorrow |
| Imperial Tobacco (acquired Dragonite, Von Erl, Nerudia, and Cosmic Fog, as well as Lorillard's <i>blu</i> brand) ⁵⁶ / Fontem Ventures | Blu Jai / Puritane | Pulze | | European Citizens Initiative: Let's demand smarter vaping regulations |
| Japan Tobacco International (JTI) ⁵⁷ | Logic cig-a-like E-lites | Ploom | RETHINK tobacco | It's time to rethink tobacco #ReThinkMusic |
| Philip Morris International (PMI) / Altria / Juul Labs Inc. (Juul) ⁵⁸ | Juul (via Altria) Nicocigs | IQOS / HEETS | Unsmoke Your World, Smoke Free World / Future, Hold My Light, Mission Winnow (Formula I), #ItsTime | Pmiscience, Foundation for a Smoke-Free World (FSFW) |

See: World Health Organization. 2019. Selling addiction: Tobacco industry transition to new products. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/197/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-197-2019-EN.pdf?ua=1> (accessed 8 May 2021).

Some Vaping Groups linked to Tobacco Companies

- [UK Vaping Industry Association](#) (UKVIA)
- [Vape Business Ireland](#)
- [France Vapotage](#)
- [Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse](#) (BVTE)
- [Vita/Ariv](#)
- [Vapour Products Association of South Africa](#) (VPSA)

Tobaccotactics.org

Foundation for a Smoke-Free World (FSFW)

The most well-funded pro-NENTPs organization is the PMI -funded FSFW. In 2017, PMI contributed USD 1 Billion towards the establishment of FSFW. In addition to evidence of FSFW's actions being aligned with PMI's corporate affairs strategy, a whistleblower has shown further proof of how FSFW is furthering the interests of PMI.⁷⁷ FSFW also attempted to partner or engage with the WHO⁷⁸ and members of the scientific community.

International Network of Nicotine Consumer Organisations (INNCO)

The largest network of NENTP proponents is INNCO. INNCO receives funding from PMI-funded FSFW but claims to have no ties or funds from the tobacco or vaping industry.^{79,80} It admits that its goals overlap with FSFW's,⁸¹ having been in fact set up following a meeting held during the 2016 Global Forum on Nicotine. INNCO 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.⁸²

Knowledge Action Change (KAC)

A significant amount of FSFW funds go into KAC⁸³ which releases subgrants to smaller organizations and funds conferences. It has also received funding from Nicoventures, which was set up by BAT.⁸⁴ It organizes an annual event, the Global Forum on Nicotine, which is attended by personalities from INNCO, FSFW, PMI and BAT.⁸⁵ KAC was founded by Gerry Stimson who is also a former board member of New Nicotine Alliance (NNA),⁸⁶ a member of the INNCO until July 2019.

Same Tactics in Both Types of Products

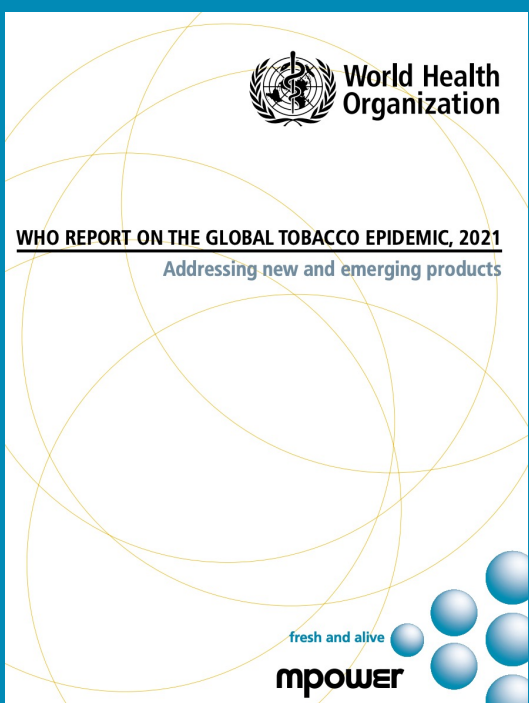
TABLE 2. PARALLEL TACTICS ON SMOKING AND VAPING

| TACTIC | ON SMOKING AND CIGARETTES | NOW ON NENTPs |
|--|--|---|
| Create third parties to fund scientific studies that protect tobacco interests | Tobacco companies established the Tobacco Industry Research Committee (TIRC) to fund research “to deny the harms of smoking and reassure the public.” ⁵⁹ | Philip Morris funded the Foundation for Smoke Free World (FSFW) to fund research supporting NENTPs “to reduce harms and deaths from smoking,” ^{60,61} but is actually a “façade” to “peddle its products.” ⁶² |
| Use front groups to give an impression of “grassroots” support ⁶³ | Smokers’ rights group were frequently funded by the tobacco industry to lobby against smoke free laws. ⁶⁴ | Vaping groups that are funded or allied with the tobacco industry ⁶⁵ lobbies against bans on and strict regulation of NENTPs, ⁶⁶ in accordance with planned strategy to “find allies that cannot be ignored”. ⁶⁷ |
| Downplay and deny health harms and addictiveness of products | Create doubt about scientific evidence on the harms of tobacco products on users and those exposed to second-hand smoke. Use brand names/ labels that suggest products are safer or safe. ⁶⁸ | Play up NENTPs as a solution to the tobacco epidemic and downplay harms, ⁶⁹ to justify marketing the products. Promote misinformation ⁷⁰ about the safety of the product. |

How TI Undermines Cessation 2021 (GGTC ERS ENSP ATCA)

Article 5.3 Addresses “Related” Interests

WHO, 2021



GOVERNMENTS, 2018



I. Include “related industries”/ related third parties

- Blocking interaction between government and **front groups funded by tobacco and related industries** “purporting to work for a smoke-free world”
- Requiring disclosure of, and clearly communicating funding sources for research institutions, academics, and scientific studies * to prevent unseen biases in science on which policy may be based, as well as to **clarify the motivations of nongovernmental organizations, business and trade associations, consumer groups, think tanks, professional associations and others** seeking involvement or input in tobacco control policies
- Noting with concern the aggressive and/or misleading tactics of the tobacco industry, and the utilization of **global philanthropic approaches to finance or partner with health, scientific and economic networks**
- ...to strengthen, where necessary, their awareness-raising efforts about the **tobacco industry or related third-party funding** among research institutions, target government agencies, and pertinent international intergovernmental and nongovernmental organizations, and ...prevent the use of such institutions’ research outputs in policy development;

WHO FCTC, Decision COP8(5), 2018

I. REQUIRE INFORMATION

Grantee* and Grantor (TI) must DISCLOSE interests

- Requiring disclosure of, and clearly communicating **funding sources for research institutions, academics, and scientific studies** to prevent unseen biases in science on which policy may be based, as well as to clarify the motivations of nongovernmental organizations, b...and others seeking involvement or input in tobacco control policies.
- Requiring that information from the tobacco industry on **marketing, lobbying and philanthropic activities** is disclosed and that the information provided by them be transparent and accurate, with regular, truthful, complete and precise information on tobacco industry activities.
- to foster international cooperation by requiring the tobacco industry to provide information on its activities such as **research, marketing, lobbying including policy submissions, funding of third parties/nongovernmental organizations**, and by making such information publicly accessible, in accordance with Article 5.3 of the WHO FCTC and its guidelines;
- b) ...to consider adopting policies that would **prevent the use of such institutions' research outputs*** in policy development;

WHO FCTC, Decision COP8(5), 2018

Duty Extends to New & Emerging Products



Australian Government
Department of Health

Guidance for Public Officials on Interacting with the Tobacco Industry

- Australia's obligations under Article 5.3 extend 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.**

Plus Groups that Support Vaping Industry Interests

- For the purpose of this notice (on Transparency), Industry Representatives are defined as employees of the tobacco and vaping industry and/or their representatives **plus groups that adopt or defend positions that support tobacco or vaping industry interests**, such as industry associations, tobacco growers associations or governmental bodies.
- The definition excludes individuals representing themselves, other levels of government and foreign governments.



The screenshot shows the top navigation bar of the Government of Canada website. It includes the Canadian flag, the text "Government of Canada" and "Gouvernement du Canada", a search bar with the text "Search Canada.ca" and a magnifying glass icon, and a "Français" link. Below the navigation bar is a "MENU" dropdown button. The main content area shows a breadcrumb trail: [Canada.ca](#) > [Departments and agencies](#) > [Health Canada](#) > [Health Concerns](#) > [Tobacco](#) > [Health Canada Tobacco Control Directorate and tobacco and vaping industry meetings](#). Below the breadcrumb trail is the title "Tobacco and Vaping Regulatory Initiatives: Handling of information and privacy notice" and a short paragraph: "The following notice explains how Health Canada will handle information from meetings and correspondence with Industry Representatives related to tobacco and vaping regulatory initiatives."

Applies to Engagements with All Manufacturers of Nicotine Products



Public Health
England

Protecting and improving the nation's health

Protocol for engagement with stakeholders with links to the tobacco industry

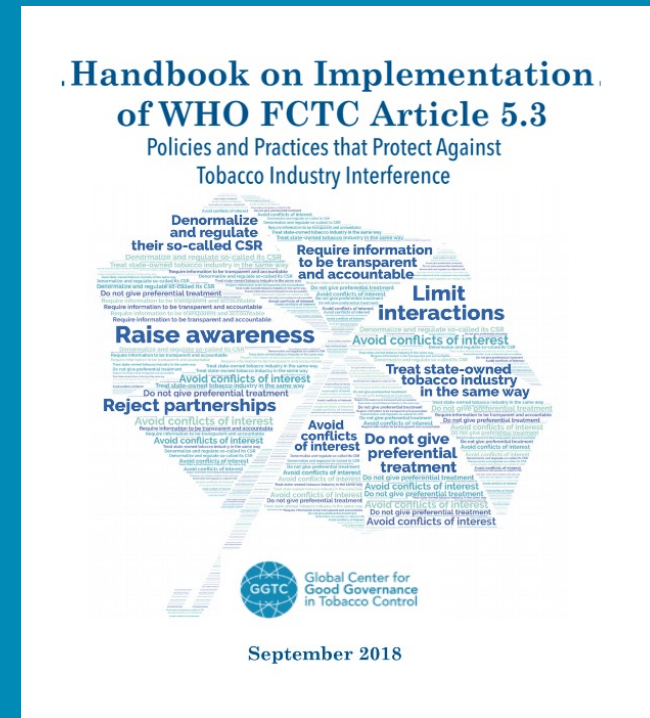
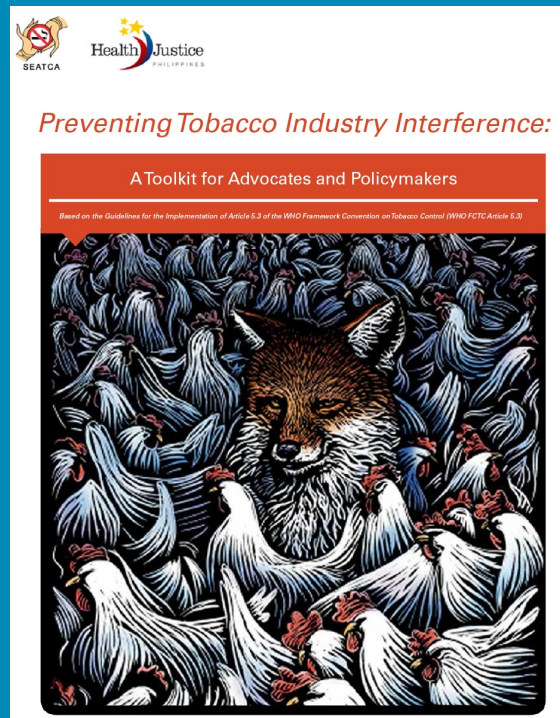
Scope

5. This protocol applies to engagement between PHE and commercial stakeholders on tobacco policy issues.
6. This protocol will apply to engagement with all manufacturers of nicotine products and permits PHE to demonstrate transparency in all its dealings related to tobacco policy.

10. Before such meetings PHE may ask attendees to declare any links with, or funding received from, the tobacco industry.
11. A clear note will be produced of every meeting which will be sent to the attendees for a check on accuracy. It will be made clear that PHE will publish the note on www.gov.uk/phe. Commercially confidential information will not be made publicly available and to facilitate this, meeting participants will be asked to indicate commercially sensitive information in the note.
12. PHE employees in an official capacity should not attend or speak at conferences that are organised entirely or largely by the tobacco industry or those with links to the tobacco industry other than to enable effective communication of regulation in accordance with FCTC Guidelines on Article 5.3 Recommendation 2.1.

20 April 2016

RESOURCES ON ART 5.3



*Updated versions forthcoming

ggtc.world



Make a difference! Save lives by countering tobacco industry interference

In this hub, you'll find GGTC's latest competitions, webinars, and campaigns.

This site uses cookies to store information in your computer. By using our website, you agree to our [Privacy Policy](#) and [Data Policy](#) (2019).

KEY WEBSITES

untobaccocontrol.org/kh/article-53

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL
SECRETARIAT-KNOWLEDGE HUB

Global Center for Good Governance in Tobacco Control

About More Resources News Contact us

...des that: "In setting public health policies with... shall act to protect these policies from the com... interests of the tobacco industry."

THE WHO FRAMEWORK CONVENTION ON TO...

RESOURCES & TOOLS

Artículo 5.3

del Convenio Marco de la OMS para el Control del Tabaco (CMCT de la OMS) exige que "al establecer e implementar sus políticas de salud pública con respecto al control del tabaco, los organismos actuarán para **proteger estas políticas de los intereses comerciales y otros intereses creados de la industria** tabacalera de conformidad con la ley."



Recomendaciones

de los lineamientos para la implementación del Artículo 5.3 del CMCT de la OMS

- 1 **Crear conciencia** acerca de la naturaleza nociva de los productos de tabaco y la injerencia de la industria tabacalera en las políticas del control del tabaco en los organismos.
- 2 Establecer medidas para **limitar las comunicaciones** con la industria tabacalera y **garantizar la transparencia** de estas comunicaciones.
- 3 **Rechazar alianzas** y acuerdos no vinculantes o no exigibles con la industria tabacalera.
- 4 **Evitar conflictos de interés** para funcionarios y empleados gubernamentales.
- 5 **Exigir** que la **información** suministrada por la industria tabacalera sea **transparente y precisa**.
- 6 **Desnormalizar** y en la medida de lo posible, regular las **actividades descritas como "socialmente responsable"** de la industria tabacalera, incluyendo sin consideración las actividades descritas como "responsabilidad social corporativa."
- 7 **Denegar privilegios** a la industria tabacalera.
- 8 **Tratar a las empresas estatales de la misma forma** que a otras industrias tabacaleras.



Protecting Against Tobacco Industry Interference

A Resource Map

Tools and Resources on Article 5.3 of the WHO Framework Convention on Tobacco Control

Websites



Stopping Tobacco Organizations & Products (STOP) (2019)

<https://stoppingtobacco.org/>

Resource website on evidence of abuse and tactics of tobacco industry including Philip Morris' activities in New Canada, A Year of Unwieldy, Pushy and Toxic, and COVID-19 Action Center

The Global Tobacco Industry Interference Index (2019)

globaltobaccoindex.org

Compilation of civil society reports from across the globe on how governments are processing their public health policies from the tobacco industry



Action on Smoking & Health (ASH USA) - Tobacco & Human Rights Hub (2019)





LEARN

ONLINE COURSE

<https://untobaccocontrol.org/elearning/article53/>

Simple.
Practical.
Empowering.

Discover the essentials of protecting public health policies from tobacco industry interference through LEARN– a premier



WEBINARS & BRIEFS

Tobacco Industry Accountability and Liability as a COVID-19 Response

July 29 , 2020

12:30 PM GMT



Mary Assunta
WHO FCTC Secretariat's
Knowledge Hub for Article 5.3



Douglas Bettcher
Former Director, Prevention
of Non-Communicable Dis-
eases, WHO



Yoni Dekker
Legal Trade and Protocol,
WHO FCTC Secretariat



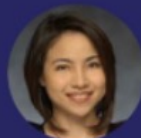
Davi Bressler
Attorney General's Office,
Federal Republic of Brazil



Chris Bostic
Action on Smoking and
Health USA



Yussuf Saloojee
South Africa Tobacco Control Expert



Deborah Sy
Global Public Policy and Strategy, Global Cen-
ter for Good Governance in Tobacco Control,
a partner in STOP



Patricia Lambert
International Legal Consortium,
Campaign for Tobacco-Free Kids



Michel Legendre
Corporate Accountability



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
SECRETARIAT-KNOWLEDGE HUB



Global Center for
Good Governance
in Tobacco Control



A GLOBAL
TOBACCO
INDUSTRY
WATCHDOG

MULTIMEDIA RESOURCES

2021 GLOBAL MEDIA COMPETITION

LIES & COVER-UPS: Time to #MakeTobaccoPay

Win up to \$4000!



<https://ggtc.world/events-and-campaigns/global-media-competition>

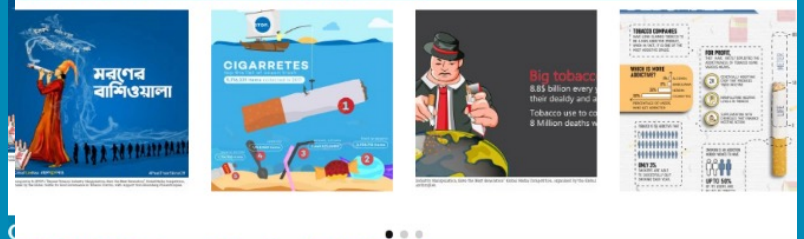


<https://untobaccocontrol.org/kh/article-53/multimedia/>

MULTIMEDIA HUB

Library of visuals and videos from different sources including the Global Media Competition

Global Media Competition Winners (Photos)



GLOBAL TOBACCO INDEX



Global Center for
Good Governance
in Tobacco Control

Customized Fact Sheets

Choose a Country Philippines

DOWNLOAD

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GLOBAL TOBACCO INDEX 2020:

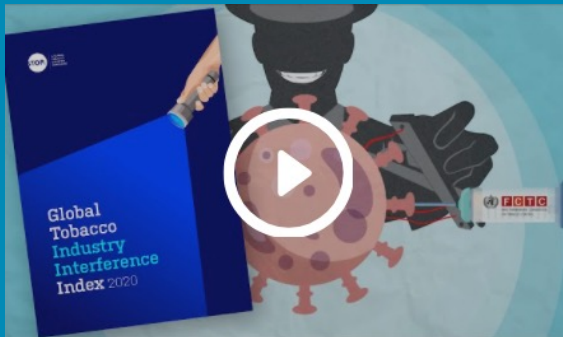
How Deadly is Tobacco Industry Influence in Philippines



117,749
Deaths

from Tobacco in 2019
caused primarily by the
top 2 producer(s):

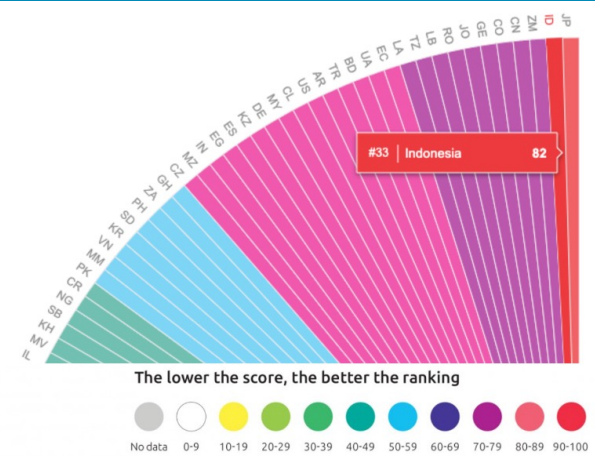
The lower the score,
the better the ranking.



GLOBAL TOBACCO INDUSTRY INTERFERENCE INDEX

The Global Tobacco Industry Interference Index (Global Tobacco Index) measures efforts by governments to address tobacco industry

GLOBAL TOBACCO INDEX 2020



<https://globaltobaccoindex.org/>



A GLOBAL
TOBACCO
INDUSTRY
WATCHDOG

TECHNICAL ASSISTANCE



Thank you

debby@ggtc.world

<https://untobaccocontrol.org/kh/article-53/>



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
SECRETARIAT-KNOWLEDGE HUB

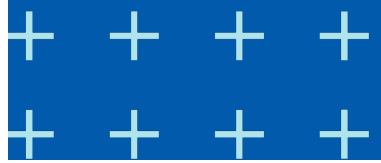


Global Center for
Good Governance
in Tobacco Control

Templates to Implement Article 5.3 of the WHO FCTC



| | | |
|------------------------------------|-----------------------------------|--|
| Code of Conduct | Letter Rejecting Offers | Declaration of Interest Forms |
| Notification of Tobacco Meetings | Hiring Policy | Memo Warning against Tobacco Donations (CSR) |
| Trade Provision to Exclude Tobacco | Regulation to Require Information | List of Information to be Required |



Country Experience

Article 5.3 Issuances 2010-2021

| Government Unit/Agency | Policy Name | Date |
|---|--|-----------|
| 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> | |

| 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 |

Partial list of Government Agencies

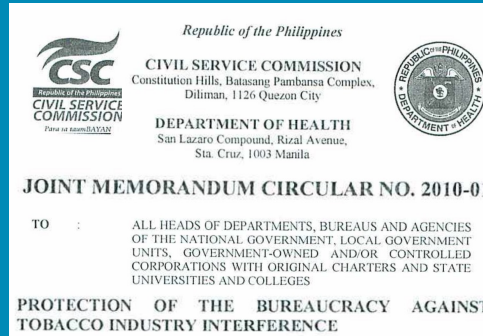
Comprehensive Policies

Comprehensive Policies



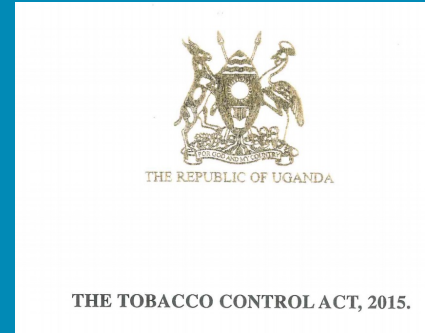
AUSTRALIA

Health 2019
(All)



PHILIPPINES

Civil Service
Commission-Health
2010 (All)



UGANDA

Parliament 2015
(All)



UK

Health 2013
(Overseas officials)

Comprehensive Policies:

DEFINITION

AUSTRALIA

TI: Australia's obligations under Article 5.3 **extend 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.

PHILIPPINES

TI: shall refer to organizations, entitles, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco **retailers, front groups and any other** individuals or organizations, including, but not limited to lawyers, scientists and lobbyists **that work to further the interests of the tobacco industry.**•

UGANDA

TI: tobacco **manufacturers, wholesale distributors and importers** of tobacco products and a person or **entity working on their behalf to further their interests;**

UK

Article 1 of the FCTC, the WHO provides the following definition: "Tobacco industry" means tobacco manufacturers, wholesale distributors, and importers of tobacco products. In addition, the term "tobacco industry" includes **tobacco growers, associations or other entities representing any of the above, as well as industry lobbyists.**

tobacco industry, including any person or organisation that is **likely to be working to further the interests** of the tobacco industry

Comprehensive Policies:

COVERAGE



AUSTRALIA

TC: strategies, regulation or policies relating to consumer law and **competition policies** • **taxation**, excise and price programs • **trade facilitation** • **retail and other licensing arrangements** • law enforcement strategies and activities for the detection, interception and reduction of illicit tobacco



PHILIPPINES

TC: Tobacco Industry Interference refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementing of **tobacco control measures**.

UGANDA

TC: Formulation, implementation, administration or enforcement of tobacco control policies, laws, regulations, programmes or initiatives and includes policies **relevant or related to tobacco control**;

UK

(trade facilitation and support in relation to tobacco industry/ products)