



Avoiding
Unnecessary Interactions
with the Tobacco Industry

Introduction



- Guidelines for implementation of WHO-FCTC Article 5.3 recommends to **“Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.”**
- Measures to be taken by Parties while conducting necessary interaction with tobacco industry:
 - Avoid the creation of any perception of a real or potential partnership or cooperation.
 - Interact only when and to the extent which is strictly necessary
 - Ensure that such interactions are conducted transparently.
 - Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.

Uganda experience



- Uganda Government ensures that it is the duty of the Government to verify transparency in the interactions of Government with the tobacco industry.
- Uganda Government Tobacco Control Act 2015 echoes with WHO-FCTC Article 5.3
- The Act along with its components were challenged in the court of law by BAT.
- The Government fought strategically and convinced at the highest level- the office of the Prime Minister and were successful.

Philippines experience



- A **Joint Memorandum Circular (JMC)** was issued by the Philippine Civil Service Commission (CSC) and Department of Health (DOH).
- Consistent with the Anti-Graft and Corrupt Practices Act of the Philippines and the WHO FCTC, this JMC requires all public officials to:
 - Reject any interaction with the tobacco industry unless strictly necessary for its regulation, supervision and control.
 - Make all “necessary” interactions public and transparent.
 - Reject any form of direct or indirect contribution from the tobacco industry.
 - Disclose any interest in the tobacco industry.

Philippines experience



- Monitoring of violations and provisions for administrative proceedings
- Code of conducts
- JMC has created awareness about tobacco industry interference and the obligations of non-health department.
- The Department of Health set up an **interagency committee on Article 5.3** to facilitate implementation of the JMC. It is composed of high-level officials and staff from various government agencies.

EU experience



- European Ombudsman as a body is particularly keen to ensure strict compliance with the overall ethical framework that applies to EU officials including:
 - Transparency
 - Conflicts of interest
 - Revolving doors and accountability
 - Maintain a dialogue with stakeholder

EU experience



- In complying with Article 5.3 of the Convention and its implementing Guidelines the Ombudsman has thus decided to proactively publish online:
 - **Any planned meetings** of herself, members of her Cabinet, and her staff with representatives of the tobacco industry (including lawyers, advisors, consultants and lobbyists acting on behalf of tobacco companies)
 - The **list of participants** of such meetings.
 - The **minutes** drawn up after a meeting has taken place to maintain transparency and an open dialogue with the stakeholders.
 - The Ombudsman and her staff will only interact with tobacco industry personnel who have featured in the **Transparency Register** jointly set up by the Commission and the European Parliament.

Australia experience



- Public is informed of any meeting/interaction with tobacco industry by making an announcement on the website of Australian Deptt. of Health.
(For example, consultations in relation to plain packaging measures were notified on the website.)
- Australian Government ensures the transparent and honest contact between lobbyists and government by maintaining the means:
 - **Register of Lobbyists**
 - **Lobbying Code of Conduct (2008)**
- Lobbyists from certain tobacco companies are registered.
- Various parties and electoral commission of the Australian Government currently does not accept donations from the tobacco industry.

New Zealand experience



- In implementing Article 5.3, the New Zealand Ministry of Health states it is, **“required to observe complete transparency in its dealings with the tobacco industry”**.
- Since 2011, the ministry has maintained a publicly available online register of
 - Annual tobacco returns filed by tobacco manufacturers and importers.
 - Meetings with the tobacco industry
 - Date of such meetings, who attended, and the topics discussed.
- No incentives, privileges, benefits or preferential tax exemptions are granted to the tobacco industry.

India experience



- In view of the increasing tobacco industry interference at sub-national level, states have taken the leadership and developed their own policies and set up committees for implementation of Article 5.3.
- 11 provinces have guidelines for city level officials
- In addition, a DO letter from Additional Secretary (Health) has been already sent to all the Chief Secretaries advising the States to not engage or partner with the Foundation for a Smoke-Free World.
- DO letters have also been sent to various stakeholder ministries in compliance to Article 5.3
- Recent example of preventing an official to attend a meeting in US funded by the Industry

Summary



- High level of advocacy to increase awareness for tobacco control
- Ensure high level of commitment for tobacco control: life becomes easy
- Not possible with all: hence create deterrents with code of conducts, monitoring mechanism
- Interaction leads to familiarity- a single meeting may be utilised by the industry to tarnish your image; imagine a photo being taken secretly by somebody while meeting them.
- **'Necessity'** needs to be defined by a definition which is agreed upon by all in the Department-my necessity should be equal with everyone's
- **Transparency clause** itself will deter the attempt by the industry to penetrate you