



SOUTHEAST ASIA TOBACCO CONTROL ALLIANCE



Asian Tobacco Industry Interference Index 2023

Implementation of Article 5.3 of the WHO
Framework Convention on Tobacco Control

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Introduction

In its pursuit of financial gains, the tobacco industry and its products kill eight million people globally per year. Predominantly affecting regions with limited economic resources, this somber reality persists despite well-established correlations between tobacco consumption and communicable and non-communicable diseases. Even for those not consuming tobacco products, the industry has a devastating impact socially, economically, and environmentally worldwide.

Within this context, the role of governments becomes paramount. The Asian landscape is defined by the dominance of five transnational tobacco enterprises (TTCs) which have held sway over the global market in the past decade. These corporations encompass the China National Tobacco Corporation (CNTC), Philip Morris International (PMI), British American Tobacco (BAT), Japan Tobacco International (JTI), and Imperial Tobacco Group (ITG). In the same arena, Korea, Tomorrow and Global Corporation (KT&G) competes for market share against these TTCs, aiming to be part of the global “Big Four” tobacco corporations by 2025. With the exception of CNTC, each of these companies have extended their operations into the electronic smoking devices (ESDs) space, which include electronic cigarettes and heated tobacco products.

Nearly all Asian countries are Parties to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC). A linchpin within this treaty is Article 5.3, which underscores the importance of vigilance in safeguarding public health from the strategies of the tobacco industry. Strategies designed to undermine evidence-based tobacco control policies and measures, to the detriment of the public’s well-being, and in favor of the industry’s financial interests. The full potential of Article 5.3, unfortunately, remains largely untapped by many governments. Often in the shape of non-health policymaking that affects tobacco control being vulnerable to the influence exerted by the tobacco industry.

The Article 5.3 guidelines emphasize the need for governments to protect their tobacco control policies from the influence of the tobacco industry. These guidelines aim to prevent conflicts of interest, and to ensure that governments maintain a clear and objective stance when crafting policies related to tobacco.

This 4th Asian Tobacco Industry Interference Index gauges the level of implementation of Article 5.3 and its guidelines in 19 countries: Bangladesh, Brunei, Cambodia, China, India, Indonesia, Japan, South Korea, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam.

Partners in each country prepared a national report based on publicly available information gathered from April 2021 to March 2023. For consistency, a standard questionnaire and scoring method was used to identify and quantify the frequency and severity of tobacco industry interference, as well as specific government measures or responses to address these incidents based on specific recommendations in the Article 5.3 guidelines and applicable national laws or policies. As the report uses only publicly available data, analysis is limited. Even with this context, the presented assessments may still help identify specific policy gaps where governments can make improvements.

Summary of Findings

Figure 1 illustrates the overall level of tobacco industry interference in 19 Asian countries. A lower score or ranking means better implementation of Article 5.3, underscoring the government's pivotal role in safeguarding tobacco control policies from industry interference.

Among these Asian nations, Japan has the strongest tobacco industry interference as indicated by various metrics in the Index. Its total score also remained unchanged from the previous (2021) report. In contrast, the governments of Brunei and Mongolia emerge as leaders in their ongoing efforts to combat tobacco industry interference.

The absence of constraints against tobacco industry's involvement in policy development and implementation vividly exposes the pervasive influence of the tobacco industry in China, Japan, the Philippines, and Malaysia. The industry exerts its influence to shape government attitudes in favor of weak tobacco control measures. Their reach extends to shaping the landscape of regulations on electronic smoking devices (ESDs). This new arm of influence is evident in Indonesia, Malaysia, and the Philippines, where regulations often align with the strong presence and influence of the tobacco industry, and in Thailand where the industry is attempting to reverse the ban on ESDs.

The tobacco industry has continued to utilize its corporate social responsibility endeavors as a means to portray itself as a good corporate citizen. Through these initiatives, the industry adeptly forged connections and gained access to government sectors, including non-health agencies, globally, extending its reach and influence.

The tobacco industry persists in garnering benefits to bolster operations, including tax exemptions, subsidies, and facilitation of trade agreements from the government with the exception of Brunei - where there is notably no tobacco industry operating at all.

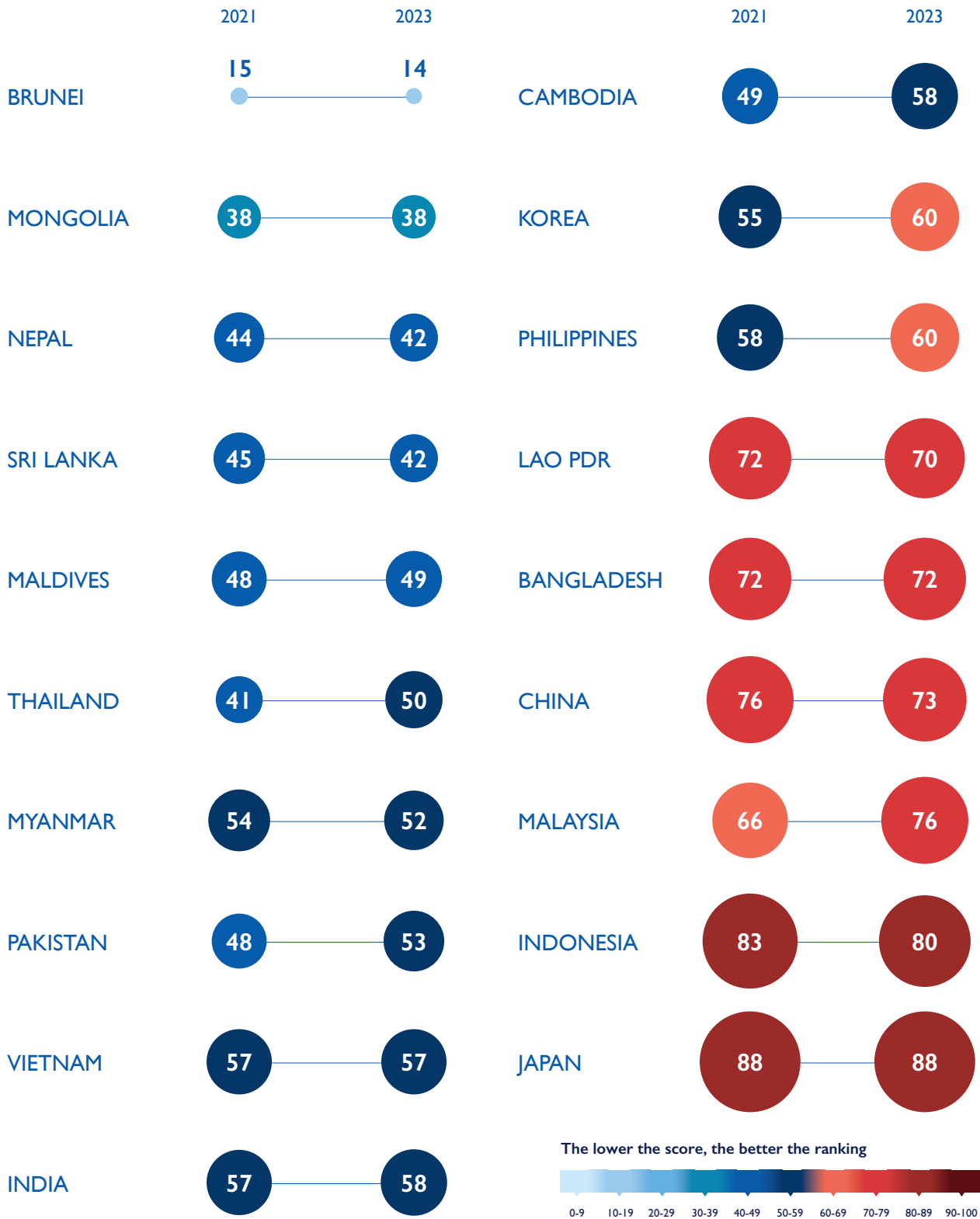
In all countries, except Brunei, government officials engaged in unnecessary interactions with the tobacco industry even in countries that explicitly forbid the practice. These engagements can open the door for potential partnerships and collaborations, despite recognition of the potential for the industry to exert undue influence on public policy to public detriment.

The opacity shrouding government interactions with the tobacco industry remains a significant concern. Establishing protocols to make these interactions transparent and accessible to the public is lacking in most countries, except for Brunei and the Philippines. No nation has instituted a registry aimed at disclosing affiliations, individuals, or advocates linked to or operating on the tobacco industry's behalf.

The enduring presence of conflicts of interest is manifested through the acceptance of political contributions from the tobacco sector, the involvement of incumbents and former government dignitaries in the tobacco companies, and the investment of government retirement funds in the tobacco industry.

In the face of substantial challenges posed by the tobacco industry, ten countries have undertaken concrete actions to counter its influence. These measures, aligned with the principles of Article 5.3, exemplify an earnest commitment to denormalize tobacco industry interference and uphold the standards of good governance.

Figure I: Tobacco Industry Interference in Asia



Tobacco Industry Interference in Asian Countries

Industry Participation in Policy Development

Brunei, Cambodia, Maldives, Mongolia, Nepal, and **Pakistan** do not accept or endorse policy or legislative drafts by or in collaboration with the tobacco industry, nor do they invite the tobacco industry to sit at meetings where policies are decided. However, some meetings do occur between the government and the tobacco industry when necessary for regulation.

There are no domestic tobacco producers or manufacturers in **Brunei** and **Maldives**. In **Maldives**, the tobacco industry is instead represented through tobacco distributors. Distributors that are also involved in other retail businesses such as food, beverages, and cosmetics, may provide an avenue of access to the government.¹

In **Cambodia**, a few non-health ministries had meetings with the tobacco industry. The Ministry of Economy

and Finance conducted several meetings, where representatives from the Association of Tobacco Industry of Cambodia (ATIC) presented JTI-sponsored research findings on illicit tobacco trade, and the Cambodian government listened to their recommendations.² In **Nepal**, in meetings called by government offices, tobacco industry representatives participate through various national business organizations such as the Federation of Nepalese Chamber of Commerce and Industry (FNCCI), Confederation of Nepalese Industry (CNI) and other commercial organizations.³

Indonesia,^{4,5} **Malaysia**,⁶ and the **Philippines**⁷ view the tobacco industry as a legitimate stakeholder in tobacco control, and so allow the participation of the tobacco industry in policy development.

Table 1: State-owned Tobacco Enterprises in Asia

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

State ownership in the tobacco business (Table 1) also allows direct inclusion of the tobacco industry in formulating and implementing public health policies. In **China**, tobacco industry interference is overt and direct. The Healthy China Action Plan (2019-2030) includes the State Tobacco Monopoly Administration to implement tobacco control at the national level.⁸ In **Japan**, tobacco control experts believe that the lack of comprehensive tobacco control regulations are due in large part to the state's partial ownership of Japan Tobacco Inc. (JT). There is no ban on tobacco advertising and promotion, and the state allows self-regulation based on JT's global marketing criteria. In **Vietnam**, the government regularly involves Vinataba and the Vietnam Tobacco Association to collaborate in inter-ministerial meetings, legislative discussions, and workshops related to anti-smuggling policy development and enforcement.⁹

DELAYING TOBACCO CONTROL POLICIES

Wherever the tobacco industry is allowed to intervene, public health policies are delayed or hindered (Figure 2). In **Bangladesh**, the tobacco industry focused its efforts at hindering the Ministry of Health and Family Welfare's (MOHFW) initiative to amend their tobacco control laws; a significant portion of these efforts were aimed at opposing the MOHFW's proposed ban on e-cigarettes and emerging tobacco products.¹⁰ It employed tactics like involving third parties, misleading policymakers through industry-affiliated experts, and direct appeals to government bodies, such as BAT Bangladesh's (BATB) appeal to the National Board of Revenue (NBR) to intervene in the MOHFW initiative.¹¹

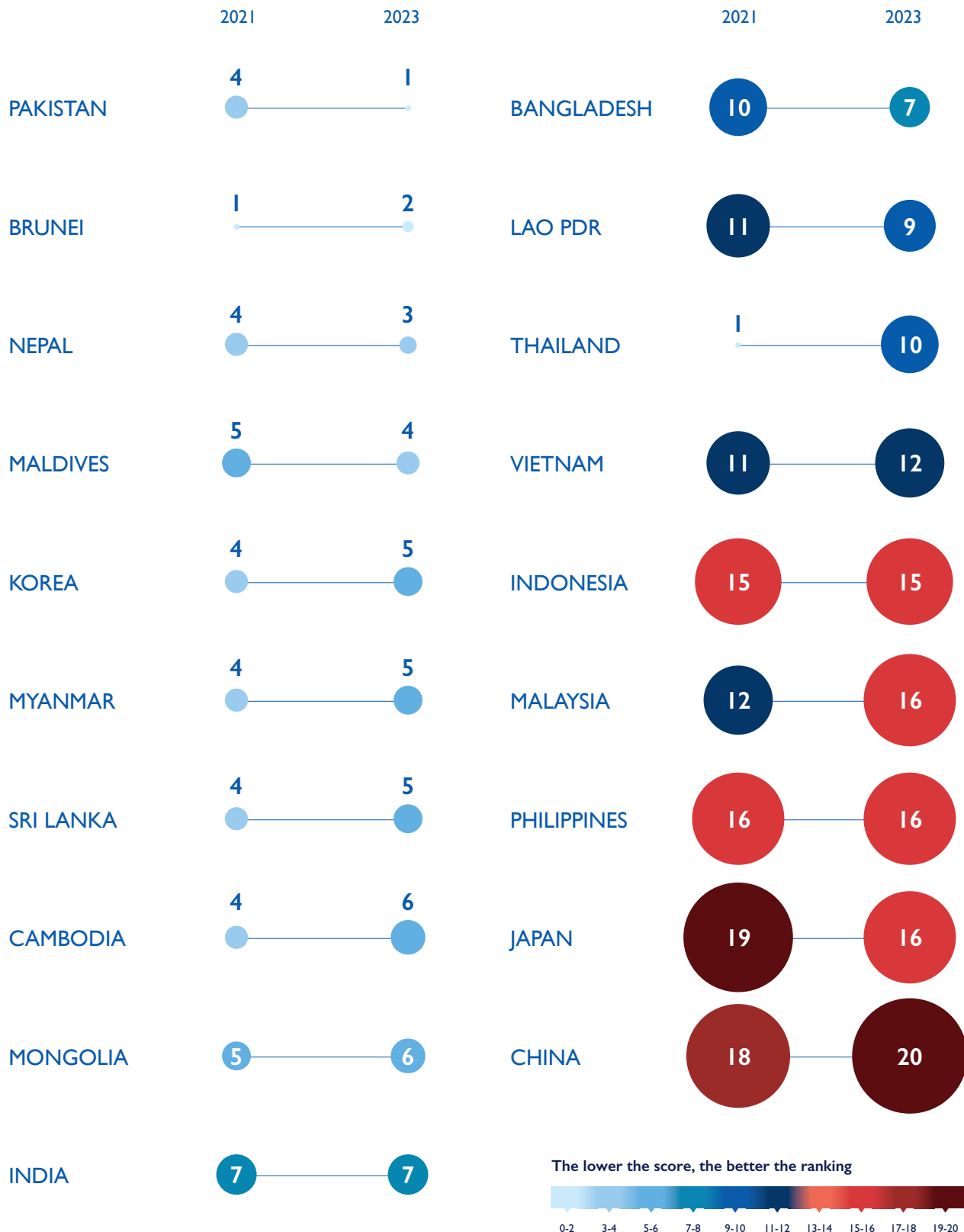
INTERFERENCE IN REGULATION OF ELECTRONIC SMOKING DEVICES

In the **Philippines** members of Congress actively campaigned for industry positions in the debates leading up to Republic Act No. 11900 (Vaporized Nicotine and Non-Nicotine Products Regulations Act), which shifted authority over ESDs from the Food and Drug Administration to the Department of Trade and Industry.¹² This move also raised public health concerns as it lowered the age of access to these products from 21 to 18 years old, extending the industry's reach to younger customers.¹³ The industry continuously campaigns for special regulations for ESDs in **Indonesia**, claiming they are less harmful.¹⁴ The Coordinating Ministry for the Economy and the Ministry of Industry also support the development of special regulations for new tobacco products,¹⁵ with research aided by the National Research and Innovation Agency.¹⁶

In **Malaysia**, the tobacco industry had regular meetings with the government and "two-way industry-led dialogues on tobacco regulations."¹⁷ In March 2023, the Ministry of Health removed nicotine as a Class C poison from its Poisons List, enabling the import and sale of ENDS in the country, despite there being no existing policy to regulate these products.¹⁸

In **Thailand**, the industry is pushing strongly to lift the ban on ENDS, highlighted by meetings between ENDS Cigarette Smoking Thailand (ECST) and the Ministry of Digital Economy and Society that led to the creation of a working group to assess the feasibility of ENDS legalization. The House Committee on Public Health issued a report endorsing ENDS legalization; however, the government ultimately retained the ban despite industry lobbying.¹⁹

Figure 2: Tobacco Industry Participation in Policy Development



Industry Corporate Social Responsibility Activities

In response to the global movement towards banning tobacco advertisements, promotions and sponsorships in alignment with the WHO FCTC Article 13, the tobacco industry is adopting subtler approaches to market its products. One particularly insidious strategy involves corporate social responsibility (CSR) initiatives.

While these activities appear benevolent on the surface, they serve as a means for tobacco companies to promote a social image incongruous with the seriousness of the health consequences caused by their products. The goal of these activities is to entrench the brand of companies not with their products, but with the outcomes of their CSR activities - cultivating positive social sentiments that can lead to the exertion of influence on policy making procedure and, ultimately, undermine the effectiveness of tobacco control policies. While several countries have prohibited these activities, most countries in Asia still allow them (Figure 3).

Brunei, Lao PDR, Maldives, Mongolia, Myanmar, Nepal, and Thailand have enforced prohibitions on CSR activities by the tobacco sector within their borders. Other nations have taken measures like prohibiting the publicizing of donations from the tobacco industry. In **Sri Lanka**, most forms of CSR activities are banned, but publicity that does not use brand names or trademarks and publicity of sponsored individuals is allowed.²⁰

In **Brunei** and **Lao PDR**, stringent regulations are in place to prevent engagement with the tobacco industry. These measures include a Prime Minister's code of conduct in Brunei and tobacco control laws in Lao PDR, which explicitly prohibit the acceptance of gifts, donations, sponsorships, and participation in events organized or supported by the tobacco industry.

Despite prohibitions on CSR in **India, Myanmar, and Thailand**, government endorsement of CSR activities were recorded during the monitoring period of the Index. In **India**, despite prohibitions on tobacco company CSR under the Cigarettes and Other Tobacco Products Act (COTPA) 2003,²¹ significant amounts of CSR contributions by tobacco companies continue to occur, particularly in the areas of agriculture and livelihood.²² During the recent COVID-19 pandemic, tobacco companies such as ITC Ltd and Dharampal Satyapal increased their CSR contributions. Similarly, other prominent companies, including VST Industries Ltd and Godfrey Phillips India Ltd, supplied masks and other protective equipment to various state departments and under their Swachh Ghar Program, they also constructed household toilets for 1,685 households.²³

In **Myanmar**, JTI continues its initiative to provide drinking water for refugees. The American Chamber of Commerce (AmCham) in Myanmar had provided annual awards for Best Corporate Social Responsibility from 2015 to 2020, and BAT Myanmar is routinely recognized for its CSR.²⁴

In **Thailand**, the Tobacco Authority of Thailand organized the "See, Taste, Shop Chiang Rai Tobacco" project for Chiang Rai residents,²⁵ facilitating agricultural product trading and later collaborated on agricultural research with Rajamangala University of Technology Krungthep and Ban Tham Sing Coffee Group Community Enterprise.²⁶

In countries where there is no ban, CSR activities of the tobacco industry with the government are rampant. The tobacco industry's tactic is to support a diverse range of projects conducted directly or in partnerships with other entities. For example, in **Bangladesh**, BATB handed over a cheque to the Secretary of Labor and Employment for the Bangladesh Workers Welfare Foundation in the amount of BDT 11 Crore (USD 1,003,110) and BDT 15.37 Crore (USD 1,401,618).^{27,28}

In **Indonesia**, CSR activities are encouraged under national laws. While there is a restriction of tobacco industry sponsorships under the Government Regulation (PP) No. 109/2012, it is weakly enforced. PT Djarum, KT&G, local tobacco and vape groups were monitored conducting CSR activities, such as vaccination programs,^{29,30} donations,^{31,32} and environmental events like seed planting.³³

Korea's Tobacco Business Act facilitates public-private partnership and enables the tobacco industry to conduct CSR activities.³⁴ The Minister of Strategy and Finance can request corporations to carry out public activities such as public health, medical care, environmental protection, and support for tobacco cultivation. KT&G has signed an MOU with the National Institute of Ecology to work together in protecting the ecology of the country.³⁵

CSR activities of the tobacco industry in **Pakistan** were focused on agriculture and environment initiatives, such as aerial seeding³⁶ and tree planting.³⁷ Pakistan Tobacco Company signed a Memorandum of Understanding (MoU) with National University of Science and Technology, a public academic institution, to collaborate on joint R&D projects focusing on areas of climate change, waste management, and water stewardship.³⁸

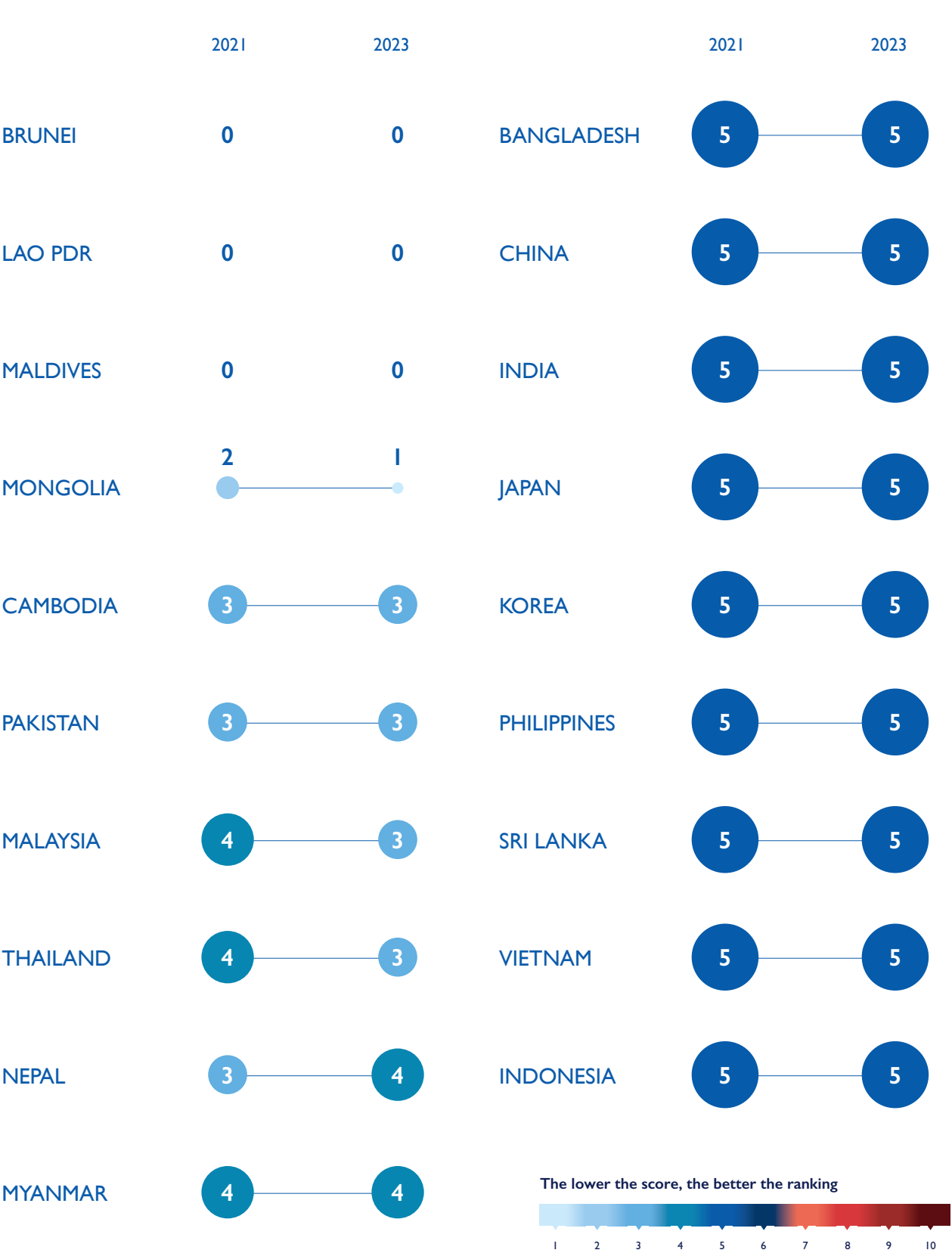
Tobacco industry CSR is not banned and remains a big problem in **Cambodia, Malaysia, Philippines, and Vietnam**. In **Cambodia**, JTI engaged in various COVID-19 relief efforts, including providing alcohol dispensers and banners to the Ministry of Justice,³⁹ distributing food packages in lockdown areas,⁴⁰ and donating disinfection supplies to provincial administration.^{41,42}

In **Malaysia**, BAT's CSR program established community garden farms called "Beyond Benih" (Beyond Seed) and collaborated with Universiti Teknologi Mara (UiTM) for a coastal cleanup.⁴³ Meanwhile, Philip Morris placed cigarette trash bins in tourist spots and urban areas.⁴⁴

In the **Philippines**, the Paaknan Housing Project of Habitat for Humanity Philippines, which provided new homes to members of Nawanao Riverside B Homeowners Association in July 2022, was conducted in partnership with the city government of Mandaue and the Social Housing Finance Corporation – Region 7. One of its funding donors was JTI Philippines.^{45,46}

In **Vietnam**, tobacco companies engaged in CSR efforts, including Vinataba's VND 100 billion (USD 4.2 million) donation and Saigon Tobacco Company's donation of VND 500 million (USD 21,137) to the COVID-19 vaccine fund. Saigon Tobacco Company also donated VND 6.2 billion (USD 262,000) for support to soldiers, mothers, children, and infrastructure development.⁴⁷

Figure 3: Tobacco Industry-Related CSR Activities



Benefits Given to the Tobacco Industry

THE GOVERNMENT GIVES PREFERENTIAL TREATMENT TO THE TOBACCO INDUSTRY

There has been little improvement in the benefits given to the tobacco industry by governments recorded between 2021 and 2023 (Figure 4). Most governments still perceive the tobacco industry's business as a significant contributor to economic advancement. Adopting a comprehensive perspective that encompasses the full spectrum of the tobacco industry's negative impact should have compelled governments to deter its operations. With the notable exception of **Brunei**, governments in Asia consistently provide the tobacco industry with advantages such as tax exemptions or delay in tax increases, postponed implementation of tobacco control regulations, and duty-free importation of tobacco products.

DELAYING TOBACCO CONTROL MEASURES

In **Bangladesh**, the implementation of pictorial health warnings (PHW) has been delayed since July 2017 after the High Court postponed the government's implementation.⁴⁸ Similarly, in **Myanmar**, after six years of PHW implementation compliance remains low; with many cigarette packs displaying images that are outdated or obscured by tax stamps. In addition, the Myanmar government granted the industry a 21-month extension for standardized packaging implementation, totaling 27 months since the law's enactment in October 2021.⁴⁹

In **Cambodia**, following a meeting with the Association of Tobacco Industry of Cambodia (ATIC), the Ministry of Economy and Finance (MEF) accommodated the tobacco industry's request to extend the rotation of PHWs by four months to 1 December 2021.⁵⁰

In **Pakistan**, the Federal Board of Revenue introduced the Track and Trace System in October 2021, making it compulsory for tobacco products to have tax stamps/ Unique Identification Marking (UIM) for exit from factories starting 30 April 2022. Despite extending the deadline until May 2022, the government further delayed full implementation to April 2023. The Prime Minister directed the implementation of the Track and Trace System during the first week of April 2023.⁵¹

GIVING TAX BREAKS OR TRADE INCENTIVES

In **Lao PDR**, the government signed a 25-year Investment License Agreement (ILA) with Imperial Tobacco Group (ITG), forming the Lao Tobacco Limited (LTL), which gained substantial incentives and tax caps, despite controlling 92% of the cigarette market. This skewed contract led to the loss of nearly USD 144 million in tax revenues between 2002 – 2017.⁵²

In **India**,⁵³ **Indonesia**,^{54,55} **Malaysia**,⁵⁶ and **Myanmar**,⁵⁷ the tobacco industry received incentives through deferred tax payments or no increase in tax.

In **China**, Liuyang City, Changsha, Hunan Province organized a Flue-cured Tobacco Industry Talent Alliance to jointly promote the high-quality development of the flue-cured tobacco industry, building a platform for flue-cured tobacco industry talent innovation, entrepreneurship, exchange and cooperation.⁵⁸

Cambodia's General Department of Taxation (GDT) gave JTI a gold certificate for complying with tax laws for 2022,⁵⁹ exempting it from tax audit for two years. This certificate award is open to all companies to encourage compliance. The Ministry of Commerce facilitated a bilateral arrangement with Vietnam,⁶⁰ lasting from 2019 through 2021 and 2022, which allowed duty-free export of tobacco leaves to Vietnam and import tax exemptions for registered farmers producing over 3,000 tons of leaves, actively encouraging tobacco growers to capitalize on this incentive.^{61,62}

Similarly, **Vietnam's** Ministry of Industry and Trade (MOIT) issued Circular No. 06/2022.TT-BCT, which sets import quotas for rice and dried tobacco leaves from Cambodia. The circular grants special preferential import tax rates for two years, allowing a total import tariff quota of 3,000 tons of dried tobacco leaves from Cambodia per year.^{63,64}

Maldives provides a tax incentive for ENDS/ENNDS through taxing those products as electronic devices rather than articles for consumption of tobacco; avoiding the import taxes levied on tobacco products.⁶⁵

In the **Philippines**, excise taxes on ESDs are much lower than those imposed on traditional cigarettes. The excise tax on a pack of 20 cigarettes is PHP 60 (USD 1.06),⁶⁶ while the excise tax is only PHP 32.50 (USD 0.57) on a pack of 20 units HTP, PHP 52.00 (USD 0.93) on a milliliter (or a fraction thereof) of nicotine salt/salt nicotine vapor products, and PHP 60 per ten milliliters (or a fraction thereof) of conventional 'freebase' or 'classic' nicotine.⁶⁷

In **Thailand**, the government gave an exemption on tobacco sales license fees between January to December 2023.⁶⁸ The Cabinet of **Thailand** did not

approve the tobacco ingredient regulation proposed by the Ministry of Public Health due to disagreements by the Ministry of Finance in order to protect tobacco farmers and the TAOT.⁶⁹

DUTY-FREE TOBACCO

With the exception of **Brunei**, which has prohibited duty-free tobacco products, all countries surveyed still permit duty-free allowances for international travelers. This practise undermines the effectiveness of tobacco taxation, and promotes and normalizes tobacco use (Table 2).

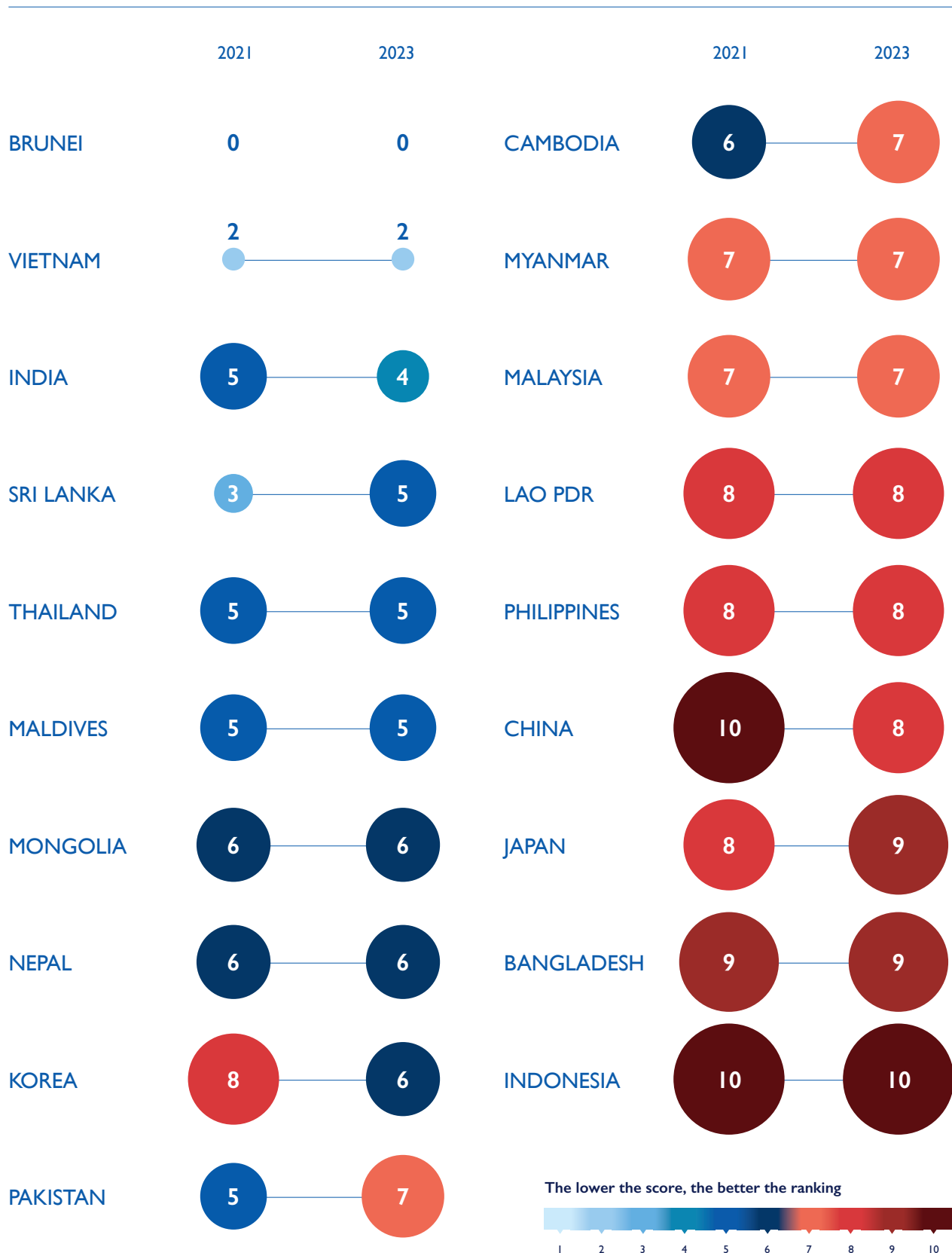
OTHER FORMS OF PREFERENTIAL TREATMENT

Sejounng City, a local government in South Korea, provided road infrastructure for cars and bikes, as well as public transportation, to support the construction of KT&G's new factory.⁷⁰

Table 2: Duty-free allowances for tobacco products for incoming travelers

India	100 sticks of cigarettes or 25 cigars or 125 grams of tobacco
Bangladesh	
Cambodia	200 sticks of cigarettes or 50 cigars or 250 grams of tobacco
Mongolia	
Indonesia	200 sticks of cigarettes or 25 cigars or 100 grams of rolling tobacco
Korea	200 sticks of cigarettes or 50 cigars or 20 milligrams of e-cigarettes or 250 grams of tobacco products
Vietnam	200 sticks of cigarettes or 20 cigars or 250 grams of shredded tobacco
Lao PDR	200 sticks of cigarettes or 50 cigars or 250 grams of tobacco
Malaysia	200 sticks of cigarettes or 225 grams of other tobacco products
Maldives	
Nepal	200 sticks of cigarettes or 25 cigars or 250 grams of tobacco
Pakistan	200 sticks of cigarettes or 50 cigars or 500 grams of tobacco
Sri Lanka	200 sticks of cigarettes or 100 cigarillos or 50 cigars or 250 grams of tobacco
Thailand	200 sticks of cigarettes or 500 grams of other tobacco products
Japan	200 sticks of cigarettes or 70 cigars or 10 individual packs of heat not burn
China	400 sticks of cigarettes or 10 cigars or 500 grams of cut tobacco
Myanmar	
Philippines	400 sticks of cigarettes or 50 cigars or 250 grams of pipe tobacco

Figure 4: Benefits Given to the Tobacco Industry



Unnecessary Interactions

An important aspect of 5.3 Guidelines is addressing unnecessary interactions between government officials and the tobacco industry. Such interactions can take various forms, including government officials attending social events that are sponsored by the industry or engaging in partnerships with tobacco companies. The intention behind these guidelines is to create a transparent and unbiased regulatory environment that prioritizes public health over the interests of the tobacco industry.

Brunei, Maldives, Mongolia, and Pakistan did not have any reports of any interactions with the tobacco industry. This reflects a commitment by these countries to uphold Article 5.3 and maintain a clear boundary between government officials and the tobacco industry. By doing so, they aim to reduce the potential for undue influence and ensure that public health remains at the forefront of tobacco control efforts. Unfortunately, most countries documented instances of unnecessary interactions with the tobacco industry (Figure 5).

During this period, we saw unnecessary interactions at the top level of the government in **Malaysia, Philippines, and Vietnam**. In **Malaysia**, the US-ASEAN Business Council's annual Business Mission connected American corporate representatives, including Philip Morris, to high-level government officials to discuss foreign investment and post-COVID-19 pandemic economic recovery.⁷¹ **Philippine** President Ferdinand Marcos Jr., the First Lady, and their son, a congressman, hosted PMI executives at the Malacañan Palace in November 2022.⁷² In **Vietnam** government officials, including President Nguyen Xuan Phuc, met with PMI, Vinataba, and other tobacco companies facilitated by business councils.⁷³

Other instances of unnecessary interactions include participation in industry events or activities. **Cambodia's** Secretary of State of the Ministry of Interior, with the Director General of the Consumer Protection, Competition and Fraud Repression of the Ministry of Commerce participated in the inauguration of JTI's new head office.⁷⁴ Several ministers from the **Indonesia** Maju Cabinet, including the Minister of Health, participated as speakers at the Millennial & Gen-Z Summit sponsored by Djarum (SUPERLIVE), where Djarum Super cigarettes were promoted. The Minister of Health gave a speech at this event.⁷⁵ At the 7th Global Business Summit in India, graced by the Prime Minister, the CEO of PMI discussed tobacco industry innovation.⁷⁶

In **Japan** in 2021, Philip Morris Japan was set to sponsor the annual Nikkei 'Future of Asia Conference' hosted by Japan Foundation⁷⁷ to bring together political, economic and academic leaders from the Asia-Pacific region to discuss economic recovery post COVID-19 pandemic. Speakers included the Prime Ministers of Japan, Cambodia, Malaysia, Nepal, Pakistan, Vietnam, and Thailand. Civil society groups launched an international opposition against PMI's sponsorship,⁷⁸ citing violations of Article 5.3 and the UN Sustainable Development Agenda. World

leaders began withdrawing from the conference following the protest, and as a result Phillip Morris announced that it would no longer be acting as a sponsor.

The BAT Group, the parent company of Pakistan Tobacco Company Limited (PTC), has invested in a shared business services setup in Pakistan. When it inaugurated its Islamabad office in September 2021, the Federal Minister for Planning, Development and Special Initiatives of **Pakistan** attended the occasion as chief guest.

Some governments continued to give awards to tobacco companies. These included the governments of **Bangladesh**, **Lao PDR**, and **Nepal**. In **Bangladesh**, the National Board of Revenue (NBR) handed the 'Best Taxpayer Award' to BATB in 2021 and 2022.⁷⁹ In **Lao PDR**, the Lao-China Hongta company was awarded alongside other companies for "Outstanding Leading Business Award" during COVID-19 in 2021 at the National Assembly Hall in Vientiane in December 2021.⁸⁰ In **Nepal**, every year Surya Nepal is awarded as the "highest tax payer company", and is honored by the government.⁸¹

These unnecessary interactions are, in most cases, avenues for the industry to lobby for favorable policies. In Thailand, the ENDS Cigarette Smoking **Thailand** (ECST) met with the Minister of Digital Economy and Society, following which the Minister set up a working group to study the possibility of legalizing ENDS in Thailand.⁸²

ANTI-SMUGGLING ENFORCEMENT WITH THE INDUSTRY

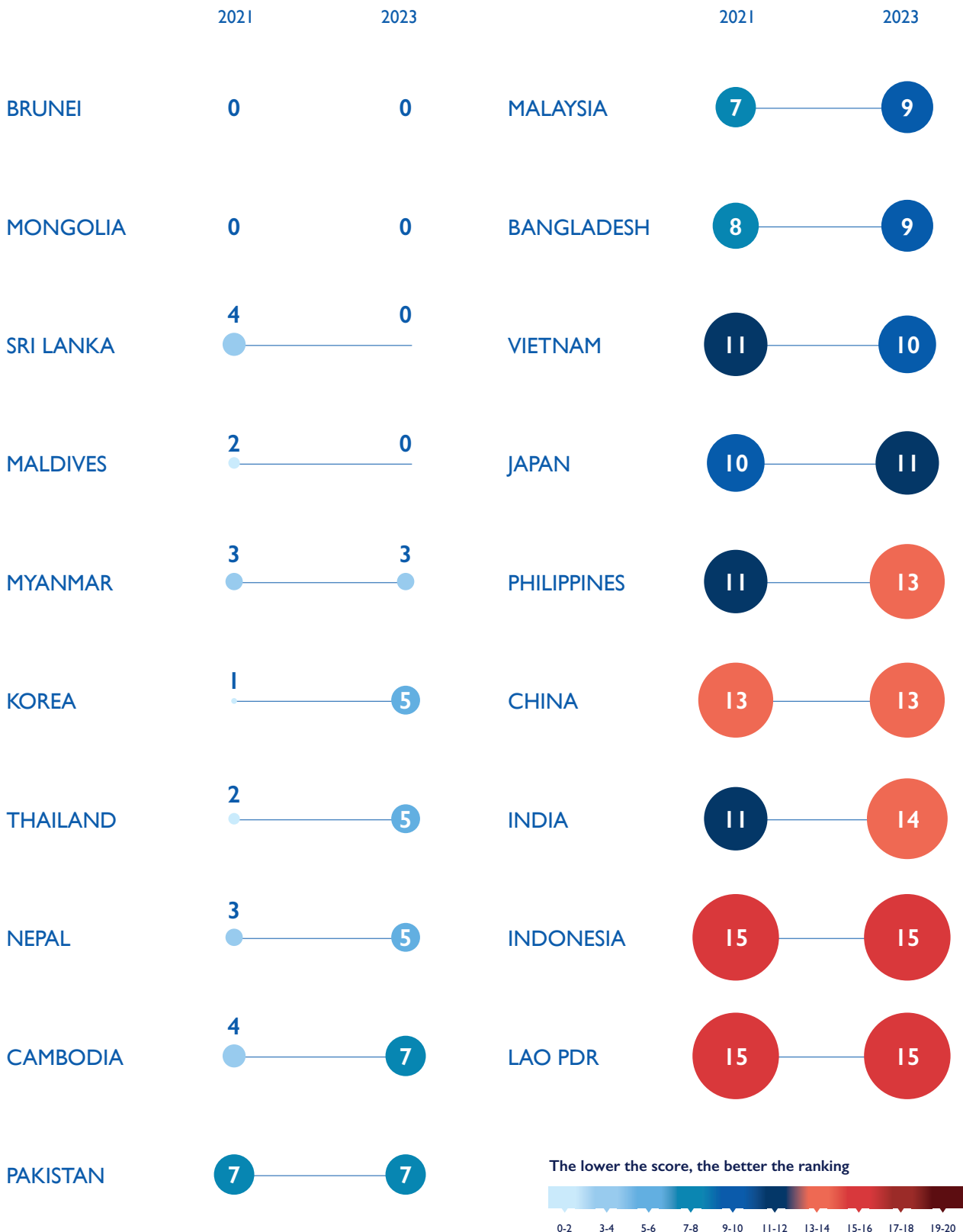
Several governments collaborated with the tobacco industry to combat illicit trade. In **Lao PDR**, the Ministry of Industry and Commerce (MOIC) signed a MOU with the tobacco industry to enhance smuggling control and obtain enforcement incentives. While MOIC gathers information on illicit tobacco in the domestic market, sharing information with other ministries, like the Health Ministry, is limited. This MOU, signed in 2015, is still in force.⁸³

In **Thailand** the TAOT and the Tobacco Growers and Traders Association, which has received financial support from PMI, attended a meeting with the Sub-Committee for Studying Factors Affecting the Health System and Monitoring the Enforcement of Public Health Laws in the House Committee on Public Health. The meeting discussed the consequences of smuggling and the sale of illicit tobacco products.⁸⁴

In **Vietnam**, the tobacco industry is required to contribute to a fund for control of illicit trade, and the government considers the tobacco industry a partner in control of illicit activities. The tobacco industry was present on several occasions during anti-smuggling activities of the government.⁸⁵

In **China**, the STMA and CNTC are responsible for implementing anti-smuggling and counterfeiting activities and coordinate with government ministries to fulfill its responsibilities.⁸⁶

Figure 5: Unnecessary Interactions with the Tobacco Industry



Transparency

Article 5.3 guidelines emphasize the importance of adopting transparency measures in both government interactions with the tobacco industry and within the industry. Progress in this regard has been limited. As shown in Figure 6, only **Brunei** has been consistent in disclosing its engagements with the tobacco industry.

While the **Philippines** has a policy mandating disclosure, numerous interactions with the industry remain unreported. Many countries across Asia lack robust policies and rigorous enforcement of transparency measures when interacting with the tobacco industry. Currently there are no policies in place in most countries compelling governments to share their interactions with the tobacco industry. Although the tobacco industry can communicate with governments about its operations, the absence of structured record-keeping hampers the documentation of these interactions and their potential impact on policy decisions. This dynamic gives rise to concerns about undisclosed connections between other governments and the industry, potentially jeopardizing the efficacy of tobacco control measures. Strengthening transparency in these areas is imperative to preserve the integrity of public health policies.

In **Brunei**, interactions with the tobacco industry are strictly regulated for transparency and conflict avoidance, with no such interactions occurring during this reporting period.

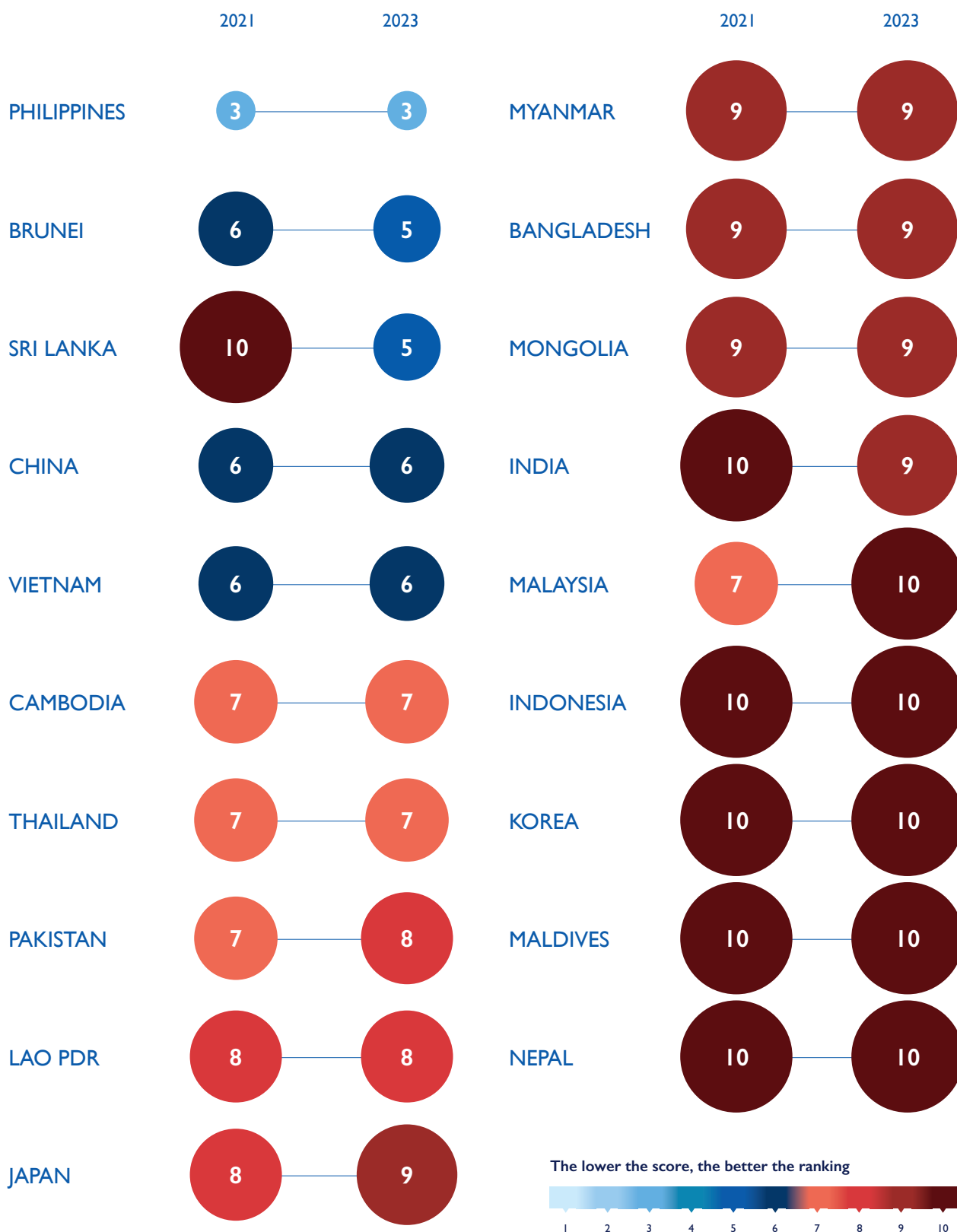
The **Philippines'** Civil Service Commission-Department of Health Joint Memorandum Circular No. 2010-01, mandates reporting of government-tobacco industry interactions. However, recent incidents appear to have been unreported to the CSC, in contradiction to the circular.⁸⁷

The Ministry of Health of **Lao PDR** does not meet with the tobacco industry, but other ministries have communications and meetings with the industry.⁸⁸ In **Myanmar**, the Ministry of Health's Directive No. 91/2020, dated August 2020, provides an internal procedure for the MOH to disclose records of its interactions (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives.

In **China**, meetings involving the STMA and other relevant government departments are openly documented as part of their administrative responsibilities.⁸⁹ In **Vietnam** government personnel and high-ranking officials engage openly with the tobacco industry, though the specific details of these interactions are not made public.⁹⁰

In countries like **Myanmar**, the **Philippines**, and **Sri Lanka** certain rules require registration of the tobacco industry. Under **Myanmar's** Special Goods Tax Law, all manufacturing facilities and distribution chains are required to register with the government. In the **Philippines** and **Sri Lanka**, corporate and business entities are also required to register with the Securities and Exchange Commission (SEC) to operate. There are, however, no policies in any Asian country to require disclosure or registration of tobacco industry-affiliated lobbyists, organizations, or individuals.

Figure 6: Transparency in Dealing with the Tobacco Industry



Conflicts of Interest

A conflict-of-interest situation arises when an individual or institution's vested interests give rise to doubts about the impartiality of their actions, judgments, and decision-making processes. In essence, it prompts an inquiry into whether these actions can be conducted without bias. The guidelines set forth in Article 5.3 highlight certain forms of potential conflicts of interest, which include payments, gifts, services, both monetary and non-monetary, and research funding extended by the tobacco industry to government entities, officials, or employees.

The practice known as the 'revolving door' enables individuals to transition from governmental roles to lobbying or consultancy positions within the same industry, or to assume regulatory positions in sectors they previously worked in. This phenomenon, observed globally, has raised concerns about potential conflicts of interest within the government. For example, in **Japan**, the practice of 'amakudari', where former civil servants get comfortable, well-paid jobs in fields related to their ministries, allows officials from the finance ministry to move freely and reach top leadership positions in the tobacco industry.

Conflicts of interest persist across nearly all Asian countries, perpetuating concerns over objectivity of various endeavors (Figure 7).

The tobacco industry is adept at operating inconspicuously, exerting its influence with subtlety. One of its strategies includes the patronage system, wherein political contributions are extended to political candidates and parties in anticipation of gaining political influence and support. This practice remains largely unchecked in Asian countries, extending across various government sectors. There are notable exceptions, such as **Brunei**, where there is no domestic tobacco sector, and the governments of **Lao PDR** and **Vietnam**, where political campaigns are absent due to their unitary/single party governments.

In the **Philippines**, revisions to the Corporate Code have lifted prohibitions on domestic corporations making political donations. Individuals representing tobacco companies are permitted to contribute to political campaigns without hindrance.⁹¹ In **Thailand**, the Organic Act on Political Parties sets defined limits for financial contributions.⁹² A similar framework exists in **Mongolia**, where the tobacco industry can offer donations but within a specified monetary limit.⁹³ There is a notable absence of policies or laws that prohibit such contributions in several other countries, and that gap leaves vulnerabilities to conflicts of interest arising that may otherwise have been deterred.

Conflicts of interest arise when government funds are invested in the tobacco business. This scenario becomes problematic when the government is not only a shareholder, but also tasked with the responsibility of ensuring that these investments yield profits while simultaneously regulating the tobacco industry (Table 3).

Table 3: Public Investments in the Tobacco Business

Public entity	% shares in tobacco companies	Tobacco company
Government of the People's Republic of Bangladesh (President and Investment Corporation of Bangladesh)	9.4% percent	BAT Bangladesh ⁹⁴
Life Insurance Corporation of India	15.83%	India Tobacco Company ⁹⁵
Korean National Pension Service	7.77% shares	KT&G ⁹⁶
Malaysia Employees Provident Fund	5% total shares	BAT Malaysia ⁹⁷

In **Bangladesh**, the government continues to hold an investment in BATB, which is now at 9.4%. This intersection of ownership and governance raises concerns about the impartiality of decisions made concerning tobacco regulation and control measures.⁹⁸ Similarly, in **India, Korea, and Malaysia**, public financial entities like the social security systems and investment corporations have assumed the role of shareholders in tobacco companies. In **Malaysia**, the government's investment in tobacco companies persists, with the Employees Provident Fund (EPF) maintaining a significant 5% stake in BAT even as it gradually reduces its involvement with the company.⁹⁹ This strategic positioning with the tobacco industry offers financial gains through the industry's market expansion, but the growth of the tobacco market compromises the promotion of health goals.

In 2021-2022, government officials in **Bangladesh, Cambodia, Indonesia, Japan, and Myanmar** joined the tobacco industry after their retirement. Government officials who joined the tobacco industry in previous years, are still connected in the same capacities, with new evidence from **India, Lao PDR, Pakistan, and Philippines**.

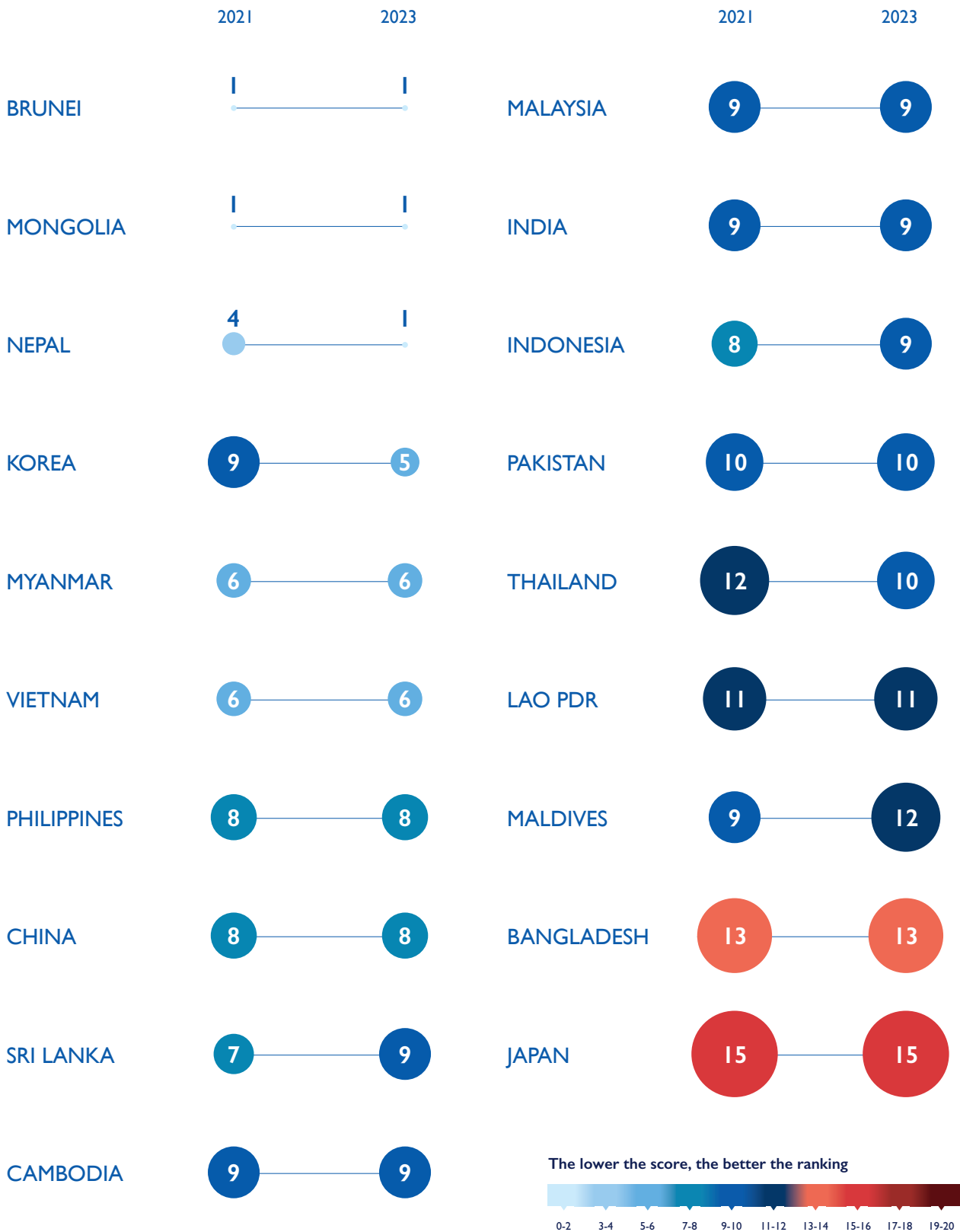
In **Cambodia**, public officials, such as senators, hold positions in the LYP Group and Anco Brothers Co.,

Ltd.^{100,101,102} In **Lao PDR**, the Vice Minister of Industry and Commerce is assigned as the Vice Chair of the Lao Tobacco Corporation (LTC) Board. Further, as a result of the ILA, the government venture with Imperial Tobacco, government officials have to represent the tobacco business and oversee the successful implementation of the ILA.

In **Indonesia** in 2021, a former Director General of Agro Industry from the Ministry of Industry was appointed the Chairman of Gaprindo (Association of White Cigarette Manufacturers),¹⁰³ and a former Director of the Tobacco, Beverage and Refreshment Industry under the Ministry of Industry is now the Secretary General of GAPPRI (Association of Indonesian Cigarette Manufacturers).¹⁰⁴

In **Indonesia**¹⁰⁵ and the **Philippines**,¹⁰⁶ legal measures have been taken to address this issue. These regulations restrict government officials and active civil servants from participating in outside employment or related activities during their tenure in public service, aiming to prevent conflicts of interests and prioritize public service over private interests or corporate agendas.

Figure 7: Conflicts of Interest



Preventive Measures

STRENGTHEN PREVENTIVE MEASURES AGAINST TOBACCO INDUSTRY INTERFERENCE

Governments play a crucial role in establishing and strengthening preventive measures against tobacco industry interference, and in doing so safeguard public health. Central to this effort are the Article 5.3 guidelines, which not only shield against direct interference from the tobacco industry but also indirectly from entities acting on its behalf. To effectively protect against industry interference, two elements must be prioritized.

Firstly, governments must have access to comprehensive information about the industry's activities and practices. Through this, they can be empowered to monitor and regulate the industry's operations with transparency and accountability, ensuring that the tobacco industry does not compromise public health objectives.

Secondly, it is imperative to establish a robust code of conduct for the bureaucracy that delineates clear standards and protocols for government officials when engaging with the tobacco industry. Such a code ensures that all interactions remain impartial, devoid of undue industry influence, and steadfastly prioritize the protection of public health. There is substantial room for improvement in this regard (Figure 8). The commendable initiatives of countries such as **Brunei**, **Philippines**, and **Thailand** stand as beacons of success in the region, and underscore the effectiveness of these preventive measures in countering the tobacco industry's influence and safeguarding the well-being of their populations.

PROCEDURE FOR DISCLOSING RECORDS OF INTERACTIONS WITH THE TOBACCO INDUSTRY

Policies for disclosing records of interactions with the tobacco industry and its representatives are in place in countries such as **Brunei**, **India** (national and state levels), **Maldives**, the **Philippines**, **Sri Lanka**, and **Thailand**. **Nepal** is also in the process of drafting such a policy. However, the effectiveness of these policies is hindered by the fact that governments do not disclose or make information from these interactions available to the general public.

CODES OF CONDUCT FOR INTERACTION WITH THE TOBACCO INDUSTRY

Brunei,¹⁰⁷ the **Philippines**,¹⁰⁸ and **Thailand**¹⁰⁹ have policies applicable to all government officials and employees, prohibiting unnecessary interactions with the tobacco industry or its representatives, requiring transparency in any necessary (regulatory) interaction with the tobacco industry, and rejecting partnerships with and financial support from the tobacco industry.

Lao PDR's amended tobacco control law provides rules for government officials' interactions with the tobacco industry to prevent misconduct and uphold their roles as civil servants.¹¹⁰ The Ministry of Health of **Lao PDR**¹¹¹ also established a code of conduct to guide health professionals in the ministry with their interactions with the tobacco industry.

In countries like **Cambodia, India, Indonesia, and Myanmar**, guidelines for Article 5.3 implementation often stem from their Ministries of Health and are limited to the MOH or the specific issuing authority. This limited scope allows other government bodies unrestricted engagement with the tobacco industry. In **Cambodia**, despite a Ministerial Sub-decree incorporating Article 5.3 principles, there is no established procedure for disclosing interactions with the tobacco industry. **Indonesia's**¹¹² MOH adopted a code which provides guidelines for managing conflicts of interest between the ministry and the tobacco industry. In **Myanmar**, the MOH issued a directive on how to interact with the tobacco industry or its representatives. Through this Directive, an internal procedure is in place in the MOH for disclosing the records for such interactions. Similar directives for other ministries have been encouraged.¹¹³

In **Bangladesh**, a code of conduct is being drafted, but there has been no progress in the last two years on the draft. **Malaysia, Maldives, Pakistan, and Sri Lanka** are also in the process of drafting a code of conduct.

PERIODIC SUBMISSION OF TOBACCO INDUSTRY INFORMATION

Governments impose certain legal requirements on all industries, such as registration of certain aspects of their business and periodic submission of varying information. These disclosures can include structure, production, and revenues. However, with the exception of **Pakistan**, this registration framework does not include disclosing crucial elements such as expenditure on lobbying activities, philanthropic endeavors, and political contributions by the tobacco industry.

SYSTEMATIC PROGRAM TO RAISE AWARENESS ON ARTICLE 5.3

In **Brunei, Cambodia, India, Malaysia, Maldives, Mongolia, Nepal, Pakistan, the Philippines, and Thailand** efforts to raise awareness on Article 5.3 have been initiated. However, these endeavors are predominantly situated within health ministries and

occasionally carried out in partnership with civil society groups. These awareness programs are not fully institutionalized, sporadically conducted, and frequently constrained by limited resources.

In contrast, several countries, such as **Bangladesh, China, Japan, Korea, Lao PDR, Myanmar, Sri Lanka, and Vietnam**, lack any established awareness-raising initiatives or communication plans specifically focused on Article 5.3. **Indonesia**, not being a Party to the WHO FCTC, does not possess a program on the FCTC or Article 5.3 awareness.

POLICY TO PREVENT CONTRIBUTIONS FROM THE TOBACCO INDUSTRY

Legal frameworks against corruption are universally present within all countries, often encompassing provisions concerning the acceptance of diverse contributions from the tobacco industry, whether monetary or otherwise. Most nations also have established ethical codes of conduct tailored for government officials and employees. These codes can be further developed to specifically counter conflicts of interest linked to the tobacco industry, minimize unwarranted interactions between the government and the industry, and prevent the acceptance of financial incentives or gifts from tobacco companies.

At varying levels across Asia, ten countries, namely, **Brunei, India, Indonesia, Lao PDR, Maldives, Mongolia, Myanmar, Nepal, the Philippines, and Thailand**, have proactively introduced policy measures aimed at safeguarding the bureaucracy or a specific ministry or department from undue interference by the tobacco industry (Table 4). **Mongolia's** tobacco control law prohibits contributions to social health, welfare, and environmental organizations by the tobacco industry, under the guise of "social responsibility."¹¹⁴ **Cambodia's** Ministry of Education, Youth and Sport has taken steps to introduce tobacco-free policies in educational institutions while prohibiting any form of collaboration or sponsorship from the tobacco sector.¹¹⁵

Figure 8: Preventive Measures

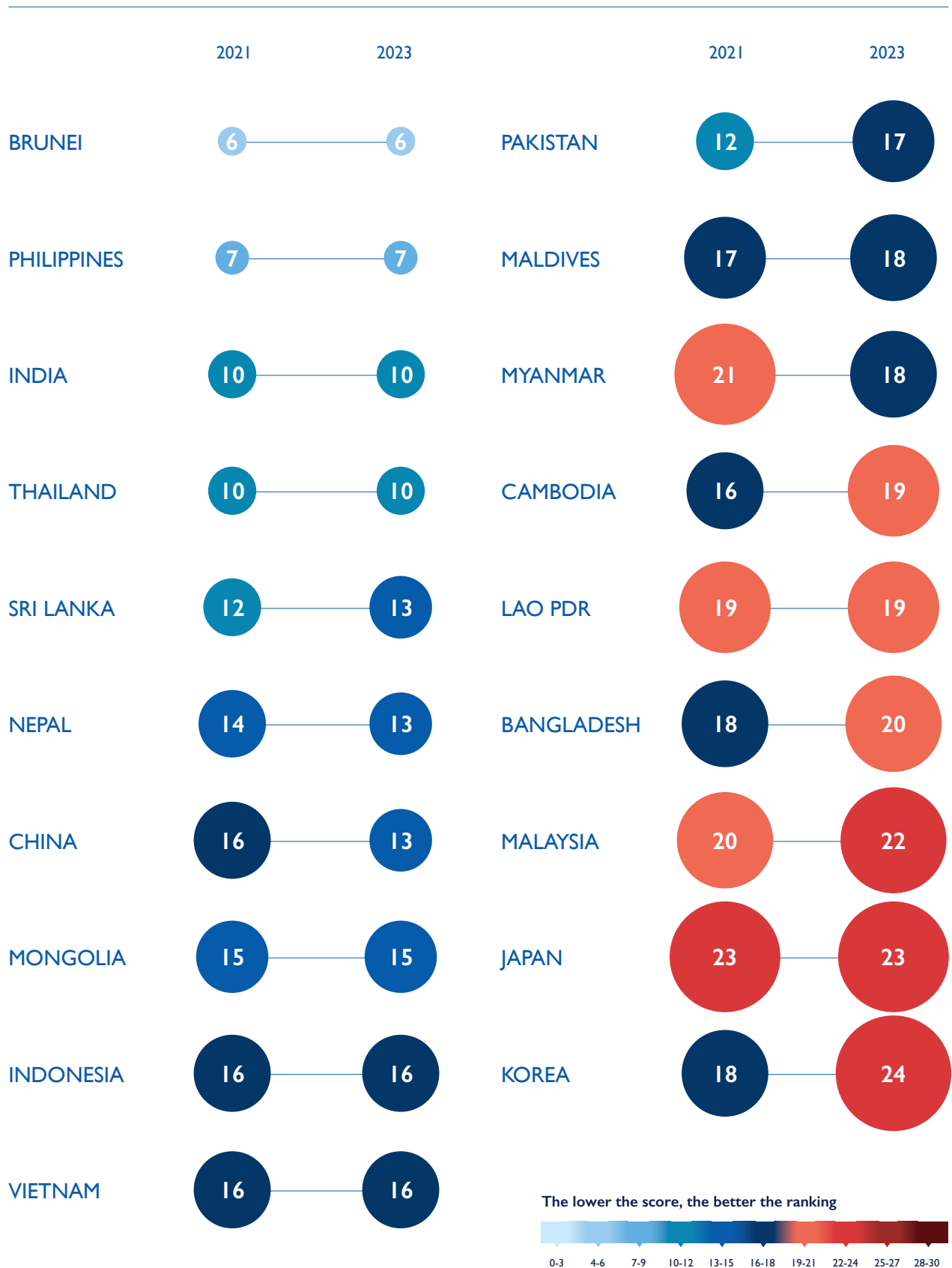


Table 4: Measures to Prevent Tobacco Industry Interference in Asia

	Preventive measures that apply to the whole bureaucracy	Tobacco company
Brunei	Prime Minister Circular (Code of Conduct) Prohibition of involvement of the tobacco industry and smoking in government premises Prevention of Corruption Act*	
Cambodia	Law on Anti-Corruption*	Ministry of Education, Youth, and Sport regulation banning partnerships between educational institutions and the tobacco industry
India		Ministry of Health and Family Welfare Code of Conduct for Public Officials in Compliance to Article 5.3 of WHO FCTC Article 5.3 State Notifications (sub-national level) Code of Conduct (States of Bihar, Jammu & Kashmir, Karnataka, Kerala, Himachal Pradesh, Punjab, Uttar Pradesh, Jharkhand, Meghalaya, Tamil Nadu, West Bengal, Maharashtra, Mizoram)
Indonesia	Ministry of Administrative and Bureaucratic Reforms Guidelines for Managing Conflict of Interest* Several anti-corruption laws*	Ministry of Health Guidelines for Managing Conflicts of Interest with the Tobacco Industry within the Health Ministry
Lao PDR	Law on Anti-corruption* Tobacco Control Law (amended) (2021)	Ministry of Health Tobacco Control Code of Conduct between Government Health Sector and Tobacco Industry
Maldives	Tobacco Control Act	
Mongolia	Tobacco Control Law	
Myanmar	Anti-corruption Code of Ethics for Companies and Corporate Bodies*	Directive No. 9 I/2020: Guidelines on Contact with Cigar and Tobacco Product Manufacturer, Distributor, Seller or Related Person
Nepal	Tobacco Product and Control Regulation prohibits acceptance of gifts from the industry	
Pakistan	National Plan on Tobacco Industry Interference	

	Preventive measures that apply to the whole bureaucracy	Tobacco company
Philippines	<p>Civil Service Commission-Department of Health Joint Memorandum Circular (JMC) 2010-01 Code of Conduct and Ethical Standards for Public Officials and Employees*</p> <p>Anti-graft and Corrupt Practices Act*</p>	<p>Department of Education (DepEd) Order No. 6, s. 2012 – guidelines against tobacco industry interference</p> <p>Department of Labor and Employment (DOLE) Memorandum (30 April 2012) – reiterates the JMC</p> <p>Bureau of Internal Revenue (BIR) Memorandum Order No. 16-2012 - restricts interactions with the tobacco industry</p> <p>Department of Foreign Affairs (DFA) Memorandum (24 May 2013) – directs compliance with the JMC</p> <p>Metro Manila Development Authority (MMDA) Memorandum (20 August 2013) – amends the Code of Conduct to include protection against tobacco industry interference</p> <p>Department of Social Welfare and Development (DSWD) Administrative Order No. 11-2019 - guidelines against tobacco industry interference</p> <p>Food and Drug Administration (FDA) Advisory No. 2019- 501 - reminds public physicians to follow the JMC and avoid interaction with the tobacco and ENDS industry</p>
Thailand	<p>Office of Civil Service Commission Regulation prohibiting civil servant's interaction with the industry in a way that may lead to policy interference</p> <p>Several anti-corruption laws*</p>	<p>Ministry of Public Health Guidelines on Interaction with Tobacco Entrepreneurs and Related Persons</p>
Vietnam	<p>Ministry of Health Official Letter to other ministries on noncooperation with the PMI-funded Foundation for a Smoke-free World</p> <p>Anti-Corruption Law*</p>	

* Not specific to the tobacco industry.

Conclusion and Recommendations

Article 5.3 of the WHO FCTC emphasizes the inherent conflict between tobacco industry interests and public health policy. Despite persistent efforts of the tobacco industry to redefine its image and manipulate the scientific discourse surrounding tobacco products, its underlying motives remain unequivocally profit-centric.

Through an array of tactics including public relations campaigns, corporate social responsibility activities, and misleading marketing strategies, the tobacco industry strives to deceive and gloss over the harmful nature of its trade and cultivate favorable relationships with policymakers and civil society organizations.

In comparison with their 2021 scores, seven countries marginally improved; four countries remained unchanged; while eight countries showed deterioration in their 2023 rankings (Figure 9). Two possible factors emerge as likely contributors to these outcomes. Firstly, the tobacco industry's determination and increasingly aggressive strategies have significantly impacted the global landscape. This is particularly pronounced in their relentless interference with policy development and implementation and the vulnerabilities governments face due to disasters and the COVID-19 pandemic. The industry's opportunistic maneuvers have sought to leverage the challenges faced by governments worldwide; potentially leading to compromises in tobacco control policies. Secondly, the increase in public awareness and enhanced capacity of civil society to closely monitor and expose the tobacco industry's activities. By shedding light on the tactics of the tobacco industry, civil society can foster an environment that challenges established norms and practices.

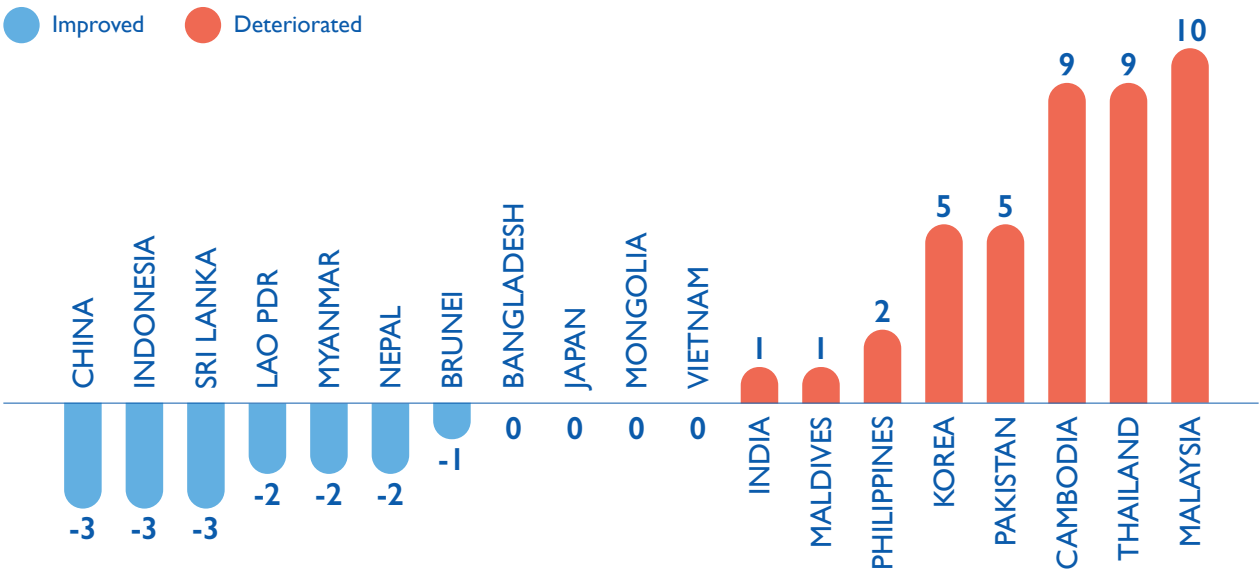
RECOMMENDATIONS IN THE WHO FCTC ARTICLE 5.3 GUIDELINES PROVIDE CLEAR MEASURES FOR GOVERNMENTS TO PROTECT THEMSELVES FROM INDUSTRY INTERFERENCE AND CORRUPTION.

All governments must fortify their commitment to the implementation of Article 5.3 for the effective realisation of tobacco control measures to be successful. It is crucial to ensure the protection of public health policy against the efforts and influence of the tobacco industry, as the success of the industry is diametrically opposed to the safeguarding of public health and sustainability by nature. Article 5.3 acknowledges the inherent conflict between the industry and public health policy.

To effectively counteract the interference of the tobacco industry in public health policy, an all-encompassing, government-wide approach is needed. It is necessary for governments to remove the tobacco industry entirely from any level of public health policy development and implementation.

The Article 5.3 Guidelines provide clear and actionable measures that governments can employ to shield themselves from the tactics of the tobacco industry. Non-health ministries and sectors, important allies in tobacco control, often lack familiarity with the specifics of the

Figure 9: Progress in Countering Tobacco Industry Interference



WHO FCTC; especially Article 5.3. Consequently, they may fail to fully comprehend the extent and ramifications of tobacco industry interference and remain vulnerable as a result.

The tobacco industry employs corporate social responsibility (CSR) initiatives and various public relations tactics to sanitize and legitimize its operations, aiming to garner public acceptance and cultivate favorable relationships with policymakers. Governments must ban these CSR endeavors as they are considered fake CSR.

Granting waivers of duties to promote trade and allowing subsidies and incentives for the tobacco industry has detrimental impacts on both public welfare and fiscal health. This diversion of government resources towards an industry responsible for disease and deaths at the cost of essential services like health emergency responses is untenable. Governments must prioritize the health and well-being of their citizens, revoking all preferential treatment afforded to the tobacco industry. Equally paramount is holding the industry liable for its failure to comply with tobacco control regulations.

Government interactions with the tobacco industry should be limited exclusively to instances when necessary to regulate the industry. Governments must reject any form of collaboration with the tobacco industry, including in endeavors such as addressing the challenge of illicit tobacco trade.

Maintaining government transparency and accountability is a systemic challenge, intertwined with the presence of frail bureaucratic structures, subpar governance, and instances of corruption. Promoting transparency is vital to safeguard public health and prioritize the population's welfare over commercial interests. It becomes incumbent upon governments to institute and rigorously enforce comprehensive procedures, ensuring the documentation and disclosure of interactions with and pertinent information concerning the tobacco industry.

Across Asia, government investments in the tobacco industry introduce both tangible and latent conflicts of interest with the duty to implement effective tobacco control measures. Governments must divest from the tobacco industry and treat state-owned tobacco enterprises the same way as private tobacco businesses.

Governments need to update their existing legal frameworks and rigorously uphold a code of conduct that aligns with the standards outlined in Article 5.3 guidelines, as well as the principles of anti-corruption. These codes of conduct should be fortified by a comprehensive and structured awareness-raising program on Article 5.3 to provide guidance and safeguard public sector professionals from undue industry influence and interference.

Annex I: Tobacco Industry Interference in Asian Countries

INDICATORS	BD	BR	KH	CN	IN	ID	JP	KR	LA	MY	MV	MN	MM	NP	PK	PH	LK	VN	TH
Level of participation in policy development																			
1.The government accepts, supports or endorses offer for assistance by or in collaboration with the tobacco industry in implementing tobacco control policies (Rec 3.1)	4	0	3	5	1	5	4	3	5	5	1	1	1	1	1	5	1	4	4
2.The government accepts, supports or endorses legislation drafted by/ collaboration with the tobacco industry (Rec 3.4)	1	0	1	5	0	5	5	0	2	4	1	3	2	0	0	5	2	4	1
3.The government allows the tobacco industry to sit in multi-sectoral committee/ advisory group that sets public health policy (Rec 4.8)	1	1	1	5	5	5	5	1	1	5	1	1	1	1	0	5	1	3	4
4.The government allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or subsidiary bodies or accepts their sponsorship for delegates (Rec 4.9 & 8.3)	1	1	1	5	1	0	2	1	1	2	1	1	1	1	0	1	1	1	1
Subtotal	7	2	6	20	7	15	16	5	9	16	4	6	5	3	1	16	5	12	10
Tobacco-related CSR activities																			
5.The government receives contributions from the tobacco industry (including so-called CSR contributions) (Rec 6.4) The government agencies/ officials endorses, forms partnerships with/ participates in tobacco industry CSR activities (Rec 6.2)	5	0	3	5	5	5	5	5	0	3	1	1	4	4	3	5	5	5	3
Subtotal	5	0	3	5	5	5	5	5	0	3	1	1	4	4	3	5	5	5	3
Benefits given to the tobacco industry																			
6.The government accommodates requests from the industry for longer implementation time or postponement of tobacco control law (Rec 7.1)	4	0	3	5	0	5	4	2	3	5	1	2	4	3	2	3	4	0	3
7.The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)	5	0	4	3	4	5	5	4	5	2	4	4	3	3	5	5	1	2	2
Subtotal	9	0	7	8	4	10	9	6	8	7	5	6	7	6	7	8	5	2	5

INDICATORS	BD	BR	KH	CN	IN	ID	JP	KR	LA	MY	MV	MN	MM	NP	PK	PH	LK	VN	TH
Forms of unnecessary interaction																			
8.Top-level government officials meet with/ foster relations with the tobacco companies such as attending social functions and events sponsored or organized by the tobacco companies (Rec 2.1)	5	0	3	4	5	5	4	5	5	5	0	0	0	5	5	5	0	5	3
9.The government accepts assistance/ offers of assistance from the tobacco industry on enforcement (Rec 3.1 & 4.3)	0	0	0	5	4	5	3	0	5	4	0	0	0	0	0	4	0	5	1
10.The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry (Rec 3.1)	4	0	4	4	5	5	4	0	5	0	0	0	3	0	2	4	0	0	1
Subtotal	9	0	7	13	14	15	11	5	15	9	0	0	3	5	7	13	0	10	5
Transparency																			
11.The government does not publicly disclose meetings/ interactions with the tobacco industry where such interactions are strictly necessary for regulation (Rec 2.2)	4	0	2	3	5	5	4	5	4	5	5	4	4	5	3	0	0	1	3
12.The government requires rules for the disclosure or registration of tobacco industry entities, affiliate organizations, and individuals acting on their behalf including lobbyists.	5	5	5	3	4	5	5	5	4	5	5	5	5	5	5	3	5	5	4
Subtotal	9	5	7	6	9	10	9	10	8	10	10	9	9	10	8	3	5	6	7
Conflict of interest																			
13.The government does not have a policy (whether or not written) to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions (Rec 4.1.1)	5	1	5	1	4	5	5	5	1	5	5	1	1	1	5	5	5	1	4
14.Retired senior officials work for the tobacco industry (Rec 4.4)	4	0	0	3	5	4	5	0	5	3	3	0	3	0	4	3	0	0	2

INDICATORS	BD	BR	KH	CN	IN	ID	JP	KR	LA	MY	MV	MN	MM	NP	PK	PH	LK	VN	TH
15. Current government officials and their relatives hold positions in the tobacco business including consultancy positions (Rec 4.5, 4.8 & 4.10)	4	0	4	4	0	0	5	0	5	1	4	0	2	0	1	0	4	5	4
Subtotal	13	1	9	8	9	9	15	5	11	8	12	1	6	1	10	8	9	6	10
Preventive measures																			
16. The government has a procedure for disclosing records of the interaction with tobacco industry and its representatives (Rec 5.1)	5	2	5	2	2	5	5	5	5	5	4	5	2	5	5	1	3	5	2
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they should comply when dealing with the tobacco industry (Rec 4.2)	4	1	3	2	2	2	5	4	2	5	3	1	2	2	3	1	3	3	2
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, and political contributions (Rec 5.2)	2	0	5	2	2	2	3	5	4	5	4	5	5	2	2	2	3	2	2
19. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines (Rec 1.1, 1.2)	5	2	4	4	2	5	5	5	3	4	3	3	5	2	2	2	3	4	2
20. The government has a policy prohibiting the acceptance of all forms of contributions from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations to the government, officials and their relatives (Rec 3.4)	4	1	2	3	2	2	5	5	5	3	4	1	4	2	5	1	1	2	2
Subtotal	20	6	19	13	10	16	23	19	19	22	18	15	18	13	17	7	13	16	10
TOTAL	72	14	58	73	58	80	88	60	70	76	49	38	52	42	53	60	42	57	50

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