



Who Is Behind Recent Trade Complaints Against Vietnam's E-Cigarette and Heated Tobacco Product Ban?

Recently leaked letters show that Indonesia and the Philippines lodged trade-related inquiries with Vietnam related to its ban on e-cigarettes and heated tobacco products.

Condemning product bans by framing them as trade barriers is a known tactic of the tobacco industry, whose profits become threatened when its products are banned. Documents revealed in a separate report published in December 2025 about industry lobbying in the European Union show Philip Morris International made similar efforts, asking the EU to intervene on its behalf with other countries, and had been monitoring regulations in Vietnam for years.

Could PMI have influenced these newly-revealed attempts to weaken Vietnam's ban, as well?

On January 1, 2025, Vietnam implemented a comprehensive ban on e-cigarettes and heated tobacco products (HTPs).¹ The law prohibited the production, trade, import, storage, transportation and use of these products in order to protect young people.

The World Health Organization lauded the measure, citing the future generations that would be “free from the health risks of e-cigarettes and HTP use”—a much-needed intervention in a country where the rate of e-cigarette use among teens more-than doubled between 2022 and 2023, and where tobacco use continues to kill more than 106,000 people every year.^{2,3,4}

Trade-related attacks on health policy

In September 2025, Vietnam's Ministry of Industry and Trade received two documents—a formal complaint submitted by Indonesia and a letter from the Philippines—lodging trade-related concerns around the ban.

Indonesia's Petition to the ASEAN Trade Facilitation Joint Consultative Committee

- **What:** A document submitted by Indonesia to the ASEAN Trade Facilitation Joint Consultative Committee, expressing concern around Vietnam's product ban. The ASEAN Secretariat then sent an official notification of the document to Vietnam's Ministry of Industry and Trade. ([Click here to see the full document](#))
- **Main points:** Indonesia claimed the ban:
 - May violate ASEAN Trade in Goods Agreement (ATIGA) and World Trade Organization (WTO) provisions, which state that countries should not institute importation bans.^{5,6} (Note: Both trade agreements carry exceptions to protect human health.)
 - Introduces significant trade restrictions by limiting “fair access” to Vietnam's market.
 - Lacks legitimate objectives and scientific justification.
- **Requests:** For Vietnam to notify ASEAN and WTO of the ban; provide justification and scientific evidence for the ban, particularly related to public health goals or the protection of youth; and “explore less trade-restrictive alternatives”

<p>2. Inconsistency with ATIGA Provisions on Non-Tariff Measures</p> <ul style="list-style-type: none">• Article 40(2): Requires transparency in implementing NTMs and avoiding unnecessary trade barriers.• Article 41: Prohibits import bans and quantitative restrictions among ASEAN Member States.• Article 42(4): Requires prompt elimination of NTBs if identified by other Members or the private sector. <p>Viet Nam's prohibition appears to contravene these provisions by introducing significant trade restrictions without due process or transparency.</p>

Excerpt from the document sent to the ASEAN Trade Facilitation Joint Consultative Committee

<p>Recommendations</p> <ol style="list-style-type: none">1. Immediate Notification: Viet Nam should notify both ASEAN and the WTO of Resolution No. 173/2024/QH15 in accordance with applicable agreements.2. Transparency and Justification: Viet Nam should clearly articulate the rationale for the measure, supported by legitimate objectives and scientific evidence, particularly in relation to public health goals or the protection of youth.3. Consultation and Dialogue: ASEAN Member States should initiate discussions through SEOM and the ASEAN Secretariat to ensure compliance with ATIGA and maintain regional market integrity.4. Review of the Measure: Viet Nam is suggested to review the measure's trade implications and explore less trade-restrictive alternatives that still achieve its legitimate policy objectives.
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Excerpt from the document sent to the ASEAN Trade Facilitation Joint Consultative Committee

The Philippines' Letter to Vietnam's Ministry of Industry and Trade

- **What:** A letter from the Philippines' Department of Trade and Industry to Vietnam's Ministry of Industry and Trade ([Click here to see the full document](#))
- **Main points:**
 - The Philippines said it believed that HTPs were already classified as tobacco products under Vietnam's tobacco control regulations and thus should be allowed for importation, similar to other tobacco products.
 - The Philippines also mentions Vietnam's WTO Accession Report that states that the pre-2007 ban on the importation of cigarettes was eliminated and replaced with a production quota that included imported quantities.
- **Requests:** For the importation, distribution and sale of HTPs to remain legal; and for Vietnam to notify the WTO if their definition of HTPs has changed

In this regard and as part of our ongoing bilateral trade discussions, the Philippines would like to better understand the implementation of this proposed prohibition on the importation, sale, and use of HTPs, and our country's ability to export HTPs to Vietnam. Our understanding is that HTPs are considered tobacco products under Vietnam's existing tobacco control and should be allowed for export to your country. For your reference, HTPs utilize processed tobacco sticks and are classified under HS Code: 2404.11.00 (*tobacco and manufactured tobacco substitutes, products containing tobacco, reconstituted tobacco, nicotine or tobacco or nicotine substitutes, intended for inhalation without combustion*). In the United States, HTPs are also called non-combusted cigarettes.

We are also mindful of the World Trade Organization (WTO) Accession Report of Vietnam, specifically Paragraph 206, which states: ***"206. The representative of Vietnam confirmed that, from the time of accession, the ban on the importation of cigarettes and other products made from processed tobacco materials would be eliminated and replaced by a production quota that included imported quantities."***

In view of the foregoing, we respectfully submit that the importation, distribution, and sale of HTPs and their heating devices remain permissible under the current regulatory framework of Vietnam. Should there be any changes (via technical regulation) on the definition of HTPs under Vietnam's existing tobacco law, we request that an official notification be sent through the relevant WTO Committee.

Excerpt from the document sent to the Ministry of Industry and Trade, Vietnam

Similar themes were uncovered in PMI's lobbying of EU officials

In December 2025, STOP and Contre-Feu published a report documenting the extent of the tobacco industry's lobbying efforts across the European Union and beyond.⁷ The groups examined 47 documents obtained via freedom of information (FOI) requests to the European Commission, alongside information from the EU Transparency Register and a public database of meetings between Members of the European Parliament and lobbyists.

Despite existing rules to limit or make industry lobbying more transparent, the analysis revealed a large and active industry lobbying presence in the EU that was successfully reaching, and possibly influencing, decision-makers.⁸ They discovered more than 250 meetings between Members of the European Parliament and industry-linked lobbyists, as well as many undeclared interactions between the industry and the European Commission's Directorate-General for Trade (DG TRADE).

Notably, the report documented cases of the industry, namely tobacco company Philip Morris International (PMI), appearing to try to use DG TRADE to weaken tobacco control laws in non-EU countries, including Vietnam.

The arguments and language used in the leaked communications sent to Vietnam in 2025 bear a strong resemblance to those PMI used while lobbying DG TRADE to act on its behalf, to help lift or relax restrictions on its HTPs in non-EU countries, including Vietnam. These similarities raise questions about possible industry influence over the complaints raised by Indonesia and the Philippines. PMI is the dominant tobacco company in both countries.

Framing a health policy as a trade issue

The most prominent example is that both sets of documents show health policy being reframed as a barrier to trade. Many of the documents uncovered via the EU FOI requests show PMI communicating with DG TRADE about non-EU countries' bans or

restrictions on HTPs, presenting them as barriers to trade and a breach of existing or potential trade agreements between the EU and those countries.

Meeting DG TRADE F/1– Philip Morris International – 25 September 2023 – Market access issues for heated tobacco products in Mexico, Taiwan, Argentina, Brazil, Singapore, Vietnam, Türkiye, Thailand, India and Japan

Participants:

Philip Morris International (PMI):
- Article 4(1)b [redacted] Lausanne, Switzerland;
- Article 4(1)b [redacted] PMI's Brussels Office; and
- Article 4(1)b [redacted] PMI's Brussels office.

DG TRADE:
- Article 4(1)b [redacted] Unit F/1;
- Article 4(1)b [redacted] Unit F/1;
- Article 4(1)b [redacted] SEP team in Unit F/1.

Report:

DG TRADE F/1 met Philip Morris (PMI) upon the company's request to discuss **trade barriers for heated tobacco products (HTPs) in Mexico, Taiwan, Argentina, Brazil, Singapore, Vietnam, Türkiye, Thailand, India and Japan**. The attached presentation was shared during the meeting.

An excerpt from a document received via FOI request documenting a 2023 meeting between PMI and DG TRADE to discuss "trade barriers" for HTPs

The 2025 document submitted by Indonesia shared this theme of casting Vietnam's HTP ban as a trade issue.

Viet Nam's prohibition appears to contravene these provisions by introducing significant trade restrictions without due process or transparency.

Excerpt from Indonesia's document submitted to the ASEAN Trade Facilitation Joint Consultative Committee

The letter from the Philippines also frames questions about the ban in the context of market access.

In this regard and as part of our ongoing bilateral trade discussions, the Philippines would like to better understand the implementation of this proposed prohibition on the importation, sale, and use of HTPs, and our country's ability to export HTPs to Vietnam. Our understanding is that HTPs are considered tobacco products under

Excerpt from the Philippines' letter to Vietnam's Ministry of Industry and Trade

Casting doubt on the legitimacy of Vietnam's regulation of e-cigarettes and HTPs

There is language in both sets of documents that questions the legitimacy of Vietnam's regulation of e-cigarettes and HTPs. A 2023 email attachment from PMI to DG TRADE titled "Lack of regulations in Viet Nam for HTPs" positions the products not being authorized for sale, distribution or import as a barrier to trade, having the same effect as a ban despite the commercialization of e-cigarettes and HTPs not being explicitly banned at that time.⁹

In the 2025 letter from the Philippines, the Secretary refers to the ban as a "proposed regulation," even though the letter was sent nine months after the ban had gone into effect.

Demanding justification

In both sets of documents, one party asks another to justify their sovereign law. Included in the EU FOI documents was a list of questions that PMI had prepared for DG TRADE in 2023 to “consider” submitting before a WTO Trade Policy Review meeting with Türkiye.¹⁰ Among them were questions regarding the rationale and justification for one of Türkiye’s tobacco-related laws.

A similar ask for justification of Vietnam’s ban can be found repeatedly in the 2025 document from Indonesia.

<p>4. Lack of Legitimate Objectives, Scientific Justification and Transparency</p> <ul style="list-style-type: none">• Viet Nam needs to provide a clear and compelling explanation for its prohibition, particularly with respect to legitimate objectives such as public health or youth protection.• Viet Nam has not presented any scientific evidence or studies to ASEAN Member States to justify a total ban on e-cigarettes and related products.• This lack of transparency raises concerns regarding the legitimacy of the stated public health objectives.
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Excerpt from Indonesia’s document submitted to the ASEAN Trade Facilitation Joint Consultative Committee

Referring to “de facto” bans

There are also similarities in the language, with both sets of documents referring to a “de facto” ban. A meeting report from the EU FOI documents includes this phrasing in relation to Vietnam.¹¹

<ul style="list-style-type: none">• Vietnam: similarly to Brazil, the lack of regulation acts as a <i>de facto</i> import ban. The administrative requirements are being postponed to prevent the importation into Vietnam. In addition, PMI mentioned the rule of origin for originated tobacco as a problem to export duty free.
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Excerpt from a 2023 meeting report between PMI and DG TRADE

Meanwhile, a supporting point under the first “Key Issue” of the document from Indonesia uses the same expression.

<p>Key Issues</p> <p>1. Lack of Notification under ATIGA</p> <ul style="list-style-type: none">• Viet Nam enforced a de facto prohibition even before the resolution’s official publication.

Excerpt from Indonesia’s document submitted to the ASEAN Trade Facilitation Joint Consultative Committee

Referencing the same ATIGA provisions

Further, in its 2023 email attachment to DG TRADE, PMI references Article 41 of ATIGA, related to not limiting imports. We see the same article referenced in the document from Indonesia.

Other commitments	<p>Vietnam has also other obligations under other international trade agreements:</p> <ul style="list-style-type: none"> - Art 19. ATIGA: Viet Nam is committed to eliminate import duties to all products by 2015 and shall not nullify or impair any tariff concessions under its tariff schedules. - Art 21. ATIGA: Viet Nam shall issue a legal enactment to give effect to the implementation of tariff liberalization schedules - Art 41. ATIGA and Art. 2.10 CPTPP: Viet Nam shall not impose prohibitions or restrictions of imports.
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Excerpt from a document provided by PMI to DG TRADE, revealed via FOI request

REFERENCE TO ATIGA PROVISION	<i>Please provide a reference to the ATIGA provision to support your case, where applicable</i>
Article 11: Notification Procedures Article 40: Application of Non-Tariff Measures	
Article 41: General Elimination of Quantitative Restriction Article 42: Elimination of Other Non-Tariff Barriers	

Excerpt from Indonesia's document submitted to the ASEAN Trade Facilitation Joint Consultative Committee

Could PMI have influenced these communications to Vietnam?

In addition to the striking similarities in the documents sent to DG TRADE by PMI and the leaked documents from Indonesia and the Philippines, there are other reasons to question whether PMI may have influenced these complaints against Vietnam.

• **FOI documents show that PMI had been closely monitoring Vietnam's HTP regulations and asked EU officials to raise this issue in trade discussions.**

Documents from 2023 show that PMI had been reporting to DG TRADE on several countries' HTP regulation status, including Vietnam:

- Notes from a meeting between DG TRADE and PMI in September 2023 to discuss trade barriers related to HTPs:¹²

On **Vietnam**, PMI explained that the government is currently working on a regulatory framework for HTPs which would allow the company to export to the country, not possible now for lack of regulation.

- Email from PMI to DG TRADE in May 2023:¹³
PMI emailed "one-pagers" for countries including Vietnam "summarizing the market access barriers that we currently face in these countries." It added, "We'd be glad to provide a comprehensive analysis for each of these countries if necessary." Later in the message, PMI urged DG TRADE to discuss Vietnam's regulations at an upcoming meeting:

Regarding **Vietnam**, we have been informed that in the upcoming MAAC meeting of May the 25th the trade barriers for that country will be discussed. We would kindly ask you to consider the market access barriers for Heated Tobacco Products in your discussions and, moreover, I'd take this opportunity to recall the importance of updating the Rules of Origin for HTPs in the EU - Vietnam FTA if and when you decide that these discussions take place.

- **PMI has a strong manufacturing presence in Indonesia and the Philippines.**

PMI is reportedly eyeing the Philippines as an “export hub” for IQOS, and is already producing tobacco sticks for the IQOS system in the country.¹⁴ The company also opened a factory in Indonesia in 2022 to support the manufacture and regional export of HEETS, the tobacco sticks used in IQOS. PMI reportedly invested US\$186 million in the facility.¹⁵ PMI may have used its presence in these countries to persuade their respective governments that Vietnam’s ban would harm their exports. The FOI documents confirm that PMI made this argument to DG TRADE: IQOS is manufactured in EU countries, so it would be in the EU’s interests to intervene on PMI’s behalf.

- **PMI-linked groups have previously written directly to Vietnam’s Prime Minister and other high-level officials to lobby against e-cigarette and HTP bans.**

In 2020, R Street, an American thinktank that has received donations from Altria (the American parent company of Philip Morris USA, which also had an exclusive agreement to distribute PMI’s IQOS in the United States at that time), sent a letter to the prime minister and deputy prime minister of Vietnam urging them to allow “broad access” to e-cigarettes and HTPs.^{16,17,18,19} The letter also framed HTPs as beneficial to public health and specifically named IQOS in reference to its 2019 marketing approval by the United States Food and Drug Administration.²⁰ Another organization that has received funding from PMI, Factasia, sent a similar letter the same month.²¹

- **PMI has historically supported trade-related arguments from the US-ASEAN Business Council against tobacco control regulations.**

The council, of which PMI is a member, claimed in 2015 that plain packaging would serve as “unnecessary obstacles to trade” in Singapore, Australia and New Zealand.²² The council also lobbied against a 2013 proposal from Malaysia that excluded tobacco from the Trans-Pacific Partnership trade agreement, to protect countries against legal action from the industry if they enacted tobacco control measures.²³

Why PMI may be targeting Vietnam

PMI has identified Vietnam as a top priority market in Asia for introducing its “smoke-free” products, such as HTPs.²⁴ This strategic focus is likely driven by the country’s:

- **Large market size and potential:** Vietnam has more than 16 million adult smokers and a rising rate of early nicotine initiation among youth (7.3% of those aged 15–24 report using e-cigarettes).^{25, 26} Although public awareness of tobacco harms has increased, smoking remains relatively socially tolerated in many settings, which supports continued consumption. In addition, Vietnam ranks in the top 10 countries for highest number of smartphone users, has strong internet infrastructure and a growing e-commerce market, making it attractive to a tobacco industry looking to expand its customer base, including a young, tech-savvy population.^{27, 28, 29}
- **Established infrastructure and partnerships:** PMI has maintained a long-standing cooperative relationship with Vietnam National Tobacco Corporation (Vinataba) since the 1990s.³⁰ Their joint venture (Vinataba-PMI) manufactures the Marlboro brand and provides PMI with a highly profitable and solid institutional foothold. Furthermore, Vietnam’s extensive and dense retail network, including for tobacco products, which ranges from shopping malls and supermarkets to traditional markets, small groceries, mobile vendors and informal street sellers, would allow PMI to distribute new products, such as HTPs, rapidly without having to rebuild a supply chain from scratch.³¹

- **Favorable investment climate:** As one of the first American firms to enter Vietnam in 1993, PMI has tried to position itself as an economic symbol in U.S.-Vietnam diplomatic relations. This history and connection has provided a platform for PMI to seek meetings with government officials. Reinforcing this partnership, PMI's global leadership recently joined a high-level U.S.-ASEAN Business Council delegation to Vietnam, where the company proposed that the government allow the manufacture, sale and export of so-called "reduced risk tobacco products."³²

PMI appears to be working to sustain its market position in Vietnam and continue influencing the policy process. Through its stable combustible cigarette business, existing joint-venture distribution network and the pre-existing national HTP technical standards, the company appears ready to intervene in policy discussions and promote regulatory conditions favorable to its HTP.³³

Governments must protect their policies from tobacco industry interference

Reframing health policies, such as product bans or restrictions, as trade barriers is a known tactic the tobacco industry uses to try to weaken policy. But there are ways for governments to defend their policies. Some trade agreements that prohibit import bans include exemptions for health. Further, governments have a sovereign right to make and implement health policy and must take measures to protect those policies and reject attempted industry influence.

To protect public health policy, Vietnam must keep the tobacco industry out of policymaking and reduce the ways in which tobacco companies can exert influence. Article 5.3 of the global health treaty, the WHO Framework Convention on Tobacco Control, mandates Parties to the treaty to limit their interactions with the industry to only when strictly necessary and to reject all partnerships with the industry.

Doing so will help protect health policies, such as product bans designed to protect young people from the industry's influence.

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Endnotes

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About STOP

STOP is a global tobacco industry watchdog whose mission is to expose the tobacco industry tactics that undermine public health. Comprised of a network of academic and public health organizations, STOP researches and monitors the tobacco industry, shares intelligence to counter its tactics, and exposes its misdeeds to a global audience. STOP is funded by Bloomberg Philanthropies as part of the [Bloomberg Initiative to Reduce Tobacco Use](#). For more information, visit exposetobacco.org.