

Examples of Domestic Measures Implementing WHO FCTC Article 5.3

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Note: This document was prepared by the International Legal Consortium at the Campaign for Tobacco-Free Kids. The purpose of this document is to identify examples of domestic measures taken by Parties to the WHO Framework Convention on Tobacco Control (FCTC) to implement FCTC Article 5.3, which requires Parties to protect their public health policies from commercial and other vested interests of the tobacco industry. This document is not meant as an exhaustive index of measures taken by Parties, but instead is intended to provide examples of enacted domestic measures. This document does not capture all recommended measures contained within the FCTC Article 5.3 Guidelines for Implementation. For example, restrictions on tobacco-related CSR activities are not captured here.

While every attempt is made to review all applicable measures with timely accuracy and in partnership with in-country experts, this is not always possible. Therefore, measures highlighted here may be incomplete and/or contain uncertain findings. In addition, legal provisions are often susceptible to more than one interpretation, giving rise to the possibility of interpretation error, especially where we do not have in-country lawyer assistance.

Citations to the sources consulted have been provided. At times, we have consulted unofficial English translations of legislation and other sources of information. We also examined the many of the reporting instruments submitted by Parties to the FCTC Convention Secretariat, many but not all of which were available in English.

April 2015

Australia

- On January 2013, the Australian Government released the National Tobacco Strategy (NTS) 2012-2018. The strategy was adopted by all governments in Australia (federal, state and territory) in November 2012 and will guide tobacco control for the next 6 years and includes “6.1 Protect public health policy, including tobacco control policies, from tobacco industry interference.”¹
- The Government Department of Health and Ageing posts public notifications on its website of any meetings between the tobacco industry and the Department.²
- The Australian Taxation Office (ATO) also posts on its website minutes of the meetings of the Tobacco Stakeholder Group, which includes representatives of the tobacco industry, ATO, and the Australian Customs and Border Protection Service to discuss matters of mutual concern.³
- The Australian government does not accept contributions from the tobacco industry. Any donation to a registered political party that is AUD\$10,000 or more must be disclosed and reported to the Australian Electoral Commission. Donor annual returns are posted online at <http://fadar.aec.gov.au/>.⁴
- A 2008 Lobbying Code of Conduct ensures that interactions between lobbyists and Government representatives are conducted transparently.⁵ A searchable public register of lobbyists is posted online, which identifies registered lobbyists, their clients, and whether they were former government representatives. Lobbyists from certain tobacco companies are registered.⁶
- Australian Government officials are required to comply with the Australian Public Service Code of Conduct.⁷ In its 2014 Party report submitted to the FCTC Convention Secretariat, Australia described the Code of Conduct as including “inter alia, requirements to behave honestly and with integrity; to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent); and not to make improper use of duties, status, power or authority, or any inside information, to gain or seek to gain a benefit or advantage for any person.”⁸

¹ National Tobacco Strategy 2012-2018,

http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/national_ts_2012_2018.

² Public notification of meetings between the Australian Government Department of Health and Ageing and the Tobacco industry, <http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-conv-public>.

³ Australian Taxation Office, Tobacco Stakeholder Group,

<http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-conv-public>.

⁴ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Australia, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/australia_2014_report_final.pdf.

⁵ Australian Government Lobbying Code of Conduct, http://lobbyists.pmc.gov.au/conduct_code.cfm.

⁶ Australian Government Register of Lobbyists, Who is on the Register, http://lobbyists.pmc.gov.au/who_register.cfm.

⁷ Australia Public Service Commission, Code of Conduct, <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/code-of-conduct>.

⁸ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Australia, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/australia_2014_report_final.pdf.

- The director of the Future Fund, Australia's Sovereign Wealth Fund, announced in February 2013 that the board has decided to drop its \$222 million stake in the tobacco industry, giving particular note to tobacco's health consequences and addictiveness. The investments are divided among BAT, PMI, and JTI.⁹ Similarly, the governments of Australian Capital Territory, New South Wales and South Australia have begun divesting their public investment in the tobacco industry.¹⁰

Bahrain

Bahrain's business association made an official application to the Ministry of Health requesting to add a member who was a tobacco investor to the National Antismoking Committee as part of community involvement in decision making. The request was denied and it was stated clearly that tobacco industry representatives are not allowed to interfere with tobacco control policies.¹¹

Benin

Benin reported the following measures in its Party report submitted to the FCTC Convention Secretariat in 2014:

- Held a workshop on the application of Article 5.3 in Benin (October 2013)
- Established a network to monitor the tobacco industry in Benin (February 2014)¹²

Brazil

Administrative Order No. 713 contains ethical guidelines adopted by Brazil's national tobacco control commission, the National Comissão da Convenção Implementação or Control-Quadro to do Snuff e seus Protocols (CONICQ), which regulates certain conflicts of interest, CONICQ-tobacco industry interactions, participation of government servants in events sponsored by industry, and employment proposals. The administrative order also establishes the following principles for action for members of the CONICQ: transparency, the primacy of the interests of public health, access to information about the tobacco industry and its interference in tobacco control policies, and publicity of interactions between the tobacco industry and CONICQ.¹³

Burkina Faso

⁹ Future Fund quits tobacco investment, Sydney Morning Herald, February 28, 2013, <http://www.smh.com.au/federal-politics/political-news/future-fund-quits-tobacco-investment-20130228-2f7yb.html>.

¹⁰ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Australia, http://apps.who.int/ftc/implementation/database/sites/implementation/files/documents/reports/australia_2014_report_final.pdf.

¹¹ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Bahrain, http://apps.who.int/ftc/implementation/database/sites/implementation/files/documents/reports/bahrain_2014_report_final.pdf.

¹² Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Benin, http://apps.who.int/ftc/implementation/database/sites/implementation/files/documents/reports/benin_2014_report_final.pdf.

¹³ Administrative Order No. 713 (April 17, 2012), <http://www.tobaccocontrolaws.org/files/live/Brazil/Brazil%20-%20Ord.%20No.%20713.pdf>.

Law No. 040-2010/AN Concerning the Campaign Against Tobacco in Burkina Faso includes articles addressing the transparency of government interactions with the tobacco industry and a ban on any sort of privilege or privileged treatment of the tobacco industry.¹⁴

Canada

Canada reported the following measures in its Party report submitted to the FCTC Convention Secretariat in 2014:

“Canada has adopted administrative measures, such as Health Canada's policy of not partnering with the tobacco industry on tobacco control programming.

Lobbying at the federal level in Canada is regulated under the Lobbyist Registration Act. It is illegal for corporations of any kind to contribute to political campaigns for electoral purposes. Some provinces also regulate lobbying. Furthermore, the Lobbyist Registration Act introduced a requirement that consultant lobbyists (ie: tobacco related activities) file a return with the Commissioner of Lobbying if they communicate with a designated public office holder under certain conditions. This registry can be searched by anyone through a publicly-accessible website.

Health Canada has discussed the Article 5.3 Guidelines with its federal partner departments and with relevant departments of provincial/territorial governments who are collaborators in the Federal Tobacco Control Strategy (FTCS). Generally, in Canada the primary channels of communication between governments and the tobacco industry are limited to (i) technical discussions in regard to both health and tax-related regulations and (ii) litigation-related responses.

In Canada, many aspects of the tobacco industry's health policy, business and promotional activities are matters of public record. In addition, civil society organizations keep close track of tobacco industry activities and maintain web sites, publications etc for this and related purposes. The tobacco industry must report to government on its research and promotional activities pursuant to Tobacco Reporting Regulations of the Tobacco Act. Public access to information about the tobacco industry which is reported to the government pursuant to these Regulations is governed by the Canadian Charter of Rights and Freedoms, Access to Information & Privacy Act, and the common law as it relates to confidential business information.”¹⁵

Cyprus

The Ministry of Health reported the following in its Party report submitted to the Convention Secretariat in 2014:

¹⁴ Law No. 040-2010/AN concerning the campaign against tobacco in Burkina Faso, November 25, 2010, Chapter X, <http://www.tobaccocontrollaws.org/files/live/Burkina%20Faso/Burkina%20Faso%20-%20Law%20No.%20040-2010.pdf>.

¹⁵ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Canada, http://apps.who.int/ctc/implementation/database/sites/implementation/files/documents/reports/canada_2014_report.pdf.

“The ministry of health announced to the tobacco industries that no tobacco policy issues will be discussed with them, and will not accept any kind of interference regarding the tobacco control policies. There are no partnerships or agreements with the tobacco industry. There is no conflict of interest for government employees.”¹⁶

Czech Republic

All government officials/employees must abide by the Code of Ethics for state officials and employees in public administration, which was approved by Government Resolution No. 331 on May 9, 2012. In addition, relevant state authorities have their own codes of ethics.¹⁷

Denmark

The Danish government reported in its Party report submitted to the Convention Secretariat in 2014 that the Agency for the Modernisation of Public Administration published “Code of Conduct in the Public Sector” in June 2007, which describes the basic terms and conditions of work in the public sector.¹⁸

Djibouti

Law No. 175, dated April 22, 2007, includes two provisions designed to protect against industry interference. Article 6(4) empowers all sectors of government to protect public health policies from commercial and other interests of the industry. Article 37 states that public and private agencies and non-governmental organizations with no ties to the tobacco industry shall be invited to participate in drafting and implementation of tobacco control measures and programs.¹⁹

Finland

The Finnish government reported the following measures in its Party report submitted to the Convention Secretariat in 2014:

“Finnish public health policies are well protected from the tobacco industry. The interaction with the industry is limited mainly to open requests for comment. However there is no extensive public repository on industry's activities. Several reports on the tobacco industry activities have been published.

Many non-governmental organizations report that they actively disseminate information and raise discussion on the industry's activities, interests and methods.

¹⁶ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Cyprus, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/cyprus_2014_report_final.pdf.

¹⁷ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Czech Republic, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/czech_republic_2014_report.pdf.

¹⁸ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Denmark, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/denmark_2014_report_final.pdf.

¹⁹ Law No. 175/AN/07/5ème L concerning organization for the protection of health against the tobacco habit, April 22, 2007, Articles 6(4), 37, <http://www.tobaccocontrol.org/files/live/Djibouti/Djibouti%20-%20Law%20No.%20175-AN-07%20.pdf>.

For example Finland's ASH disseminates information and reveals the tactics of the tobacco industry and encourages public discussion on the tobacco industry's methods to ensure their profits. In addition, Finland's ASH and many other NGOs have adopted the policy not to interact with the tobacco companies, their affiliates or any other companies which work with tobacco industry, such as advertising [agencies]."²⁰

Gabon

Law No. 006/2013 of August 21, 2013, concerning the enactment of measures supporting the campaign for tobacco control in the Republic of Gabon contains a chapter implementing Article 5.3. Measures include a ban on any direct or indirect partnerships between government and the tobacco industry.²¹

Honduras

The 2010 national tobacco control law prohibits interference by commercial interests and others tied to the tobacco industry. There were no further details in the legislation or, as the date of this review, in regulations elaborating on the provision.²²

Hong Kong

The Hong Kong Monetary Authority has committed to complying with the FCTC Article 5.3 Guidelines and divesting from tobacco.²³

Hungary

The Tobacco Control Focal Point provides information on practices of the tobacco industry.²⁴

Kenya

The Tobacco Control Act 2007 prohibits any member of the Tobacco Control Board to be directly or indirectly affiliated to the tobacco industry or its subsidiaries. The law also requires disclosure of tobacco industry affiliation. A failure to disclose such affiliation is

²⁰ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Finland, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/finland_2014_report_final.pdf.

²¹ Law No. 006/2013 of August 21, 2013, concerning the enactment of measures supporting the campaign for tobacco control in the Republic of Gabon, Chapter 7, <http://www.tobaccocontrolaws.org/files/live/Gabon/Gabon%20-%202013%20TC%20Law.pdf>.

²² Decree No. 92-2010, Special Tobacco Control Law, Art. 7, <http://www.tobaccocontrolaws.org/files/live/Honduras/Honduras%20-%20Decree%20No.%2092-2010.pdf>.

²³ Communication from Hong Kong Monetary Authority to Clear Air NGO and Charity, February 2, 2012, <http://tobacco.cleartheair.org.hk/wp-content/uploads/2012/02/Clear-the-Air-e.pdf>.

²⁴ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Hungary, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/hungary_2014_report_final.pdf.

punishable by a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.²⁵

Kosovo

Although not yet implemented with secondary legislation, the 2013 national tobacco control law contains a chapter implementing Article 5.3. Provisions include a prohibition of partnerships between the government and the industry, and a prohibition of any support or privileges given to tobacco businesses.²⁶

Mexico

The public has access, upon request, to details on the meetings between government and the tobacco industry through the Federal Institute for Access to Information (Instituto Federal de Acceso a la Información).^{27, 28}

Myanmar

Myanmar reported the following measures in its Party report submitted to the FCTC Convention Secretariat in 2014:

“The Tobacco Control Cell under Public Health Division of Department of Health organized a National Workshop on Countering Tobacco Industry Interference with the objective of raising awareness of governmental and non-governmental organizations. In collaboration with various partners, the Tobacco Control Cell is developing the guidelines and regulations on the protection of public health policies from commercial and other vested interests of the tobacco industry, based on the guidelines of Article 5.3 and discussions and recommendations from the above workshop.”²⁹

Namibia

Under Article 5 of the Tobacco Products Control Act, 2010, members of the Tobacco Products Control Committee must not be “an employee, employer, director, member or trustee of any business, company, close corporation or trust involved in the tobacco industry in any way” or have “any shares in any business, company, close corporation or trust involved in the tobacco industry.”³⁰

²⁵ Tobacco Control Act, 2007, <http://www.tobaccocontrollaws.org/files/live/Kenya/Kenya%20-%20Tobacco%20Control%20Act%20-%20national.pdf>.

²⁶ Law No. 04/L-156 on Tobacco Control, Chapter VIII, <http://www.tobaccocontrollaws.org/files/live/Kosovo/Kosovo%20-%20TC%20Law%202013.pdf>.

²⁷ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2012), Mexico, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/mexico_2012_report_final.pdf.

²⁸ Instituto Federal de Acceso a la Información (Federal Institute for Access to Information), <http://inicio.ifai.org.mx/SitePages/ifai.aspx>.

²⁹ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Myanmar, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/myanmar_2014_report_final.pdf.

³⁰ Tobacco Products Control Act, 2010 (Act No. 1 of 2010), Article 5, <http://www.tobaccocontrollaws.org/files/live/Namibia/Namibia%20-%20Tobacco%20Products%20Control%20-%20national.pdf>.

New Zealand

- The Ministry of Health posts information about its meetings with the tobacco industry since 2011.³¹
- By 2010, all of the Crown financial institutions had discontinued their investments in tobacco.³²

Norway

- Ethical standards prevent the Government Pension Fund Global from investing in tobacco companies.^{33, 34}
- The Norwegian Ministry of Health and Care Services published a consultation paper on FCTC Article 5.3 in March 2015. The paper discusses potential measures to implement Article 5.3 and invites public comment. (The consultation paper also addresses standardized packaging.)³⁵

Panama

The National Commission for the Study of Tobacco (Comisión Nacional para Estudiar el Tabaquismo) is mandated to work with the tobacco industry only when strictly necessary for effective regulation of the tobacco industry and tobacco products. Any meetings must be conducted transparently. In addition, Commission members must not have worked for the tobacco industry in the previous three years, nor may they work for the industry for three years after their appointments to the Commission. Part of the Commission's work is to assess and provide recommendations for compliance with Article 5.3 and its Guidelines.³⁶

Philippines

- A memorandum circular issued by the Land Transportation Franchising and Regulatory Board (LTFRB) in December 2009 provides that LTFRB shall endeavor to partner with government agencies, civil society organizations and the private

³¹ Meetings with tobacco industry representatives: 2011-present, New Zealand Ministry of Health, <http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/who-framework-convention-tobacco-control>.

³² Hansard (debates), Ethical Investment (Crown Financial Institutions) Bill, First Reading, August 4, 2010, http://www.parliament.nz/en-nz/pb/debates/debates/49HansD_20100804_00000932/ethical-investment-crown-financial-institutions-bill.

³³ Guidelines for observation and exclusion from the Government Pension Fund Global, adopted December 18, 2014, <https://www.regjeringen.no/en/topics/the-economy/the-government-pension-fund/responsible-investments/guidelines-for-observation-and-exclusion/id594254/>.

³⁴ Recommendation of October 22, 2009 on the exclusion of tobacco companies, Council on Ethics, The Government Pension Fund – Global, October 22, 2009, <https://www.regjeringen.no/contentassets/cf0031c4ce87448d9c497d43190ede8f/rec-tobacco-english-2009.pdf>.

³⁵ Norway consults on standardised packaging and FCTC Article 5.3, Press Release, March 17, 2015, <https://www.regjeringen.no/en/aktuelt/norway-consults-on-standardised-tobacco-packaging-and-ftc-article-5.3/id2401001/>.

³⁶ Resolution No. 745 of August 16, 2012, <http://www.tobaccocontrolaws.org/files/live/Panama/Panama%20-%20Res.%20No.%20745%20-%20national.pdf>.

sector, *except those representing tobacco industry interests* in order to fully implement the memorandum circular.³⁷

- The Department of Health (DOH) issued a memorandum in May 2010 for the protection of DOH and all attached agencies including regional offices from tobacco industry interference. The memorandum contains guidelines to be followed throughout DOH “to ensure that public health policies in relation to tobacco control shall be protected from commercial and other vested interests of the tobacco industry.”³⁸
- The Secretary of the Department of Science and Technology (DOST) issued a memorandum to DOST leadership in May 2010 bringing their attention to the government policy recognizing that “corporate social responsibility” (CSR) activities are a form of tobacco advertising prohibited under Section 22 of RA 9211 and that the receipt of donations from, partnerships with, or the creation of perception of such partnerships with the tobacco industry goes against the Philippines’ commitment to the WHO FCTC.³⁹
- The Department of Health and Civil Service Commission issued Joint Memorandum Circular (JMC) No. 2010-01 in June 2010. The JMC prohibits various interactions between public employees/officials and the tobacco industry. Examples of prohibited activities include soliciting or accepting gifts and giving preferential treatment to the industry. The policy covers all heads of departments, bureaus and agencies of the national government, local government units, government owned and/or controlled corporations with original charters and state universities and colleges.⁴⁰
- The Department of Health issued Department Circular No. 2011-101 containing the Rules and Regulations Implementing (IRR) Republic Act No. 9711-The Food and Drug Administration Act of 2009. The FDA IRR provide that “FDA shall not deal with the tobacco industry or individuals or entities that work to further the interests of the tobacco industry, except to the extent strictly necessary to effectively regulate, supervise, or control the tobacco industry in relation to tobacco and tobacco products.”⁴¹ *Note that the FDA IRR is being challenged by the tobacco-industry and is currently being litigated.*

³⁷ Land Transportation Franchising and Regulatory Board Memorandum Circular No. 2009-36, December 21, 2009, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20LTFRB%20Memo%20Circular%20%20-%20national.pdf>.

³⁸ Department of Health Memorandum No. 2010-0126, May 6, 2010, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20DOH%20Dept%20Memo%20on%20Industry%20Interference%20-%20national.pdf>.

³⁹ Department of Science and Technology Memorandum, May 25, 2010, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20DOST%20Memo%20-%20national.pdf>.

⁴⁰ Civil Service Commission, Department of Health, Joint Memorandum Circular No. 2010-01, June 29, 2010, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20JMC%202010-01%20-%20national.pdf>.

⁴¹ Department of Health Circular No. 2011-0101, March 22, 2011, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20DOH%20Circ.%20No.%202011-0101%20-%20national.pdf>.

- The Department of Education issued Order No. 06 establishing the Guidelines on the Adoption and Implementation of Public Health Policies on Tobacco Control and Protection Against Tobacco Industry Interference. The policy covers all undersecretaries, assistant secretaries, bureau directors, directors of services, centers and heads of units, regional directors, schools division/city superintendents, heads of public and private elementary and secondary schools, and all others concerned.⁴²
- The Department of Labor and Employment adopted the Civil Service Issuances on Smoking Prohibition (CSC MC No. 17-2009) and on Protection of the Bureaucracy Against Tobacco Industry Interference (CSC-DOH Joint MC No. 2010-01). The policy covers all undersecretaries and assistant secretaries, and all heads of attached agencies, bureaus, services, regional and provincial offices.⁴³
- The Bureau of Internal Revenue (BIR) issued Revenue Memorandum Order No. 16-2012 in June 2012 establishing a "No Smoking" policy within the BIR's public offices and establishing restrictions on interactions with the tobacco industry. The policy covers all revenue officials, employees, and others concerned.⁴⁴

Portugal

The members of the National Scientific Tobacco Prevention Board cannot have a conflict of interest with tobacco industry.⁴⁵

Russia

The 2013 tobacco control law requires that interactions between the government and the tobacco industry be conducted publicly and that records of all interactions be available on the relevant government agency's website.⁴⁶

Senegal

The 2014 tobacco control law provides: "The State formally prohibits any interference by the tobacco industry in national health policy." As of the date of this review, required

⁴² Department of Education Order No. 6, s. 2012, January 18, 2012, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20Dept.%20of%20Ed.%20Order%20-%20national.pdf>.

⁴³ Department of Labor and Employment Memorandum, May 30, 2012, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20DOLE%20Memo%20-%20national.pdf>.

⁴⁴ Bureau of Internal Revenue Memorandum No. 16-2012, June 28, 2012, <http://www.tobaccocontrollaws.org/files/live/Philippines/Philippines%20-%20Revenue%20Memo%20No.%2016-2012%20-%20national.pdf>.

⁴⁵ Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), Portugal, http://apps.who.int/ftc/implementation/database/sites/implementation/files/documents/reports/portugal_2014_report.pdf.

⁴⁶ Federal Law No. 15-FZ of February 23, 2013, Article 8, <http://www.tobaccocontrollaws.org/files/live/Russia/Russia%20-%20Law%20No.%2015-FZ%20%282013%29.pdf>.

subsidiary legislation (e.g., implementing decrees and administrative orders) has not been issued by the designated regulatory authority to implement the law.⁴⁷

Serbia

The 2007 National Tobacco Control Strategy states that “by no means, funding from the tobacco industry for implementation of tobacco control activities will be accepted.”⁴⁸

Thailand

The Department of Disease Control issued a regulation in 2010 limiting contact between government officials and tobacco entrepreneurs and their agents to those interactions “necessary specifically for the actions under the tobacco products control law or any other measures according to the [FCTC] only, so as to ensure the effective control of tobacco products.”⁴⁹

Togo

The 2011 tobacco control law prohibits the government from offering subsidies, exemptions, or other financial incentives to the tobacco industry.⁵⁰

Ukraine

The ban on tobacco sponsorship contained in national tobacco control legislation includes a prohibition on political contributions (to individuals or political parties) by the tobacco industry.⁵¹

United Kingdom

- In its Party report submitted to the FCTC Convention Secretariat in 2014, the United Kingdom reported “that in May 2009, the then Secretary of State for Health wrote to the Prime Minister and Cabinet colleagues bringing their attention to article 5.3 of the FCTC, attaching the guidelines.”⁵²
- Also in its 2014 Party report, the government quoted from a report in which the government pledges transparency in its policy-related meetings with the tobacco industry:

⁴⁷ Law No. 2014-14 concerning the manufacture, packaging, labeling, sale and use of tobacco, Art. 1, <http://www.tobaccocontrolaws.org/files/live/Senegal/Senegal%20-%202014%20TC%20Law.pdf>.

⁴⁸ Tobacco Control Strategy, <http://www.tobaccocontrolaws.org/files/live/Serbia/Serbia%20-%20Tobacco%20Control%20Strategy.pdf>.

⁴⁹ Regulation of Department of Disease Control Re: How to Contact Tobacco Entrepreneurs and Related Persons B.E. 2553 (2010), <http://www.tobaccocontrolaws.org/files/live/Thailand/Thailand%20-%20Dept.%20Dis.%20Ctrl.%20on%20Contact%20with%20TI.pdf>.

⁵⁰ Law Concerning the Production, Sale and Consumption of Tobacco and its Derivative Products, January 14, 2011, <http://www.tobaccocontrolaws.org/files/live/Togo/Togo%20-%20Tobacco%20Control%20Law.pdf>.

⁵¹ Law of Ukraine on the Introduction of Changes to Some Legislative Acts of Ukraine on the Prohibition of the Advertising, Sponsorship and Promotion of the Sale of Tobacco Products, Art. 3(2), <http://www.tobaccocontrolaws.org/files/live/Ukraine/Ukraine%20-%20Law%205164.pdf>.

⁵² Reporting Instrument of the WHO Framework Convention on Tobacco Control (2014), United Kingdom, http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/uk_2014_report_final.pdf.

“Healthy Lives, Healthy People: A tobacco control plan for England” includes a chapter titled ‘protecting tobacco control from vested interests’. The plan sets out that to ensure further transparency, the Government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments. This excludes meetings to discuss operational matters to reduce the illicit trade in tobacco and bilateral meetings between tobacco manufacturers and HM Revenue and Customs. In the future, organisations engaging with the Department of Health on tobacco control, for example by responding to consultation exercises, will be asked to disclose any links with, or funding received from, the tobacco industry. Local authorities are encouraged to follow the Government’s lead in this area, and to take necessary action to protect their tobacco control strategies from vested interests.⁵³

- HM Revenue & Customs (HMRC) publishes basic details online about HMRC officials’ meetings with the tobacco industry.⁵⁴
- The Department of Health issued in December 2013 Revised Guidelines to Overseas Posts on Support to the Tobacco Industry to clarify that posts should limit interactions with the tobacco industry and to conduct interactions, when necessary, with maximum transparency.⁵⁵

⁵³ See also: Healthy Lives, Healthy People: A Tobacco Control Program for England (2011), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213757/dh_124960.pdf.

⁵⁴ HM Revenue & Customs Officials meetings with the tobacco industry, <https://www.gov.uk/government/publications/hm-revenue-customs-officials-meetings-with-the-tobacco-industry>.

⁵⁵ United Kingdom’s Revised Guidelines to Overseas Posts on Support to the Tobacco Industry, December 2013, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287119/Guidance_for_Overseas_Posts_on_support_to_the_Tobacco_Industry.pdf.