Avoiding Unnecessary Interactions with the Tobacco Industry
Guidelines for implementation of WHO-FCTC Article 5.3 recommends to "Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur."

Measures to be taken by Parties while conducting necessary interaction with tobacco industry:

- Avoid the creation of any perception of a real or potential partnership or cooperation.
- Interact only when and to the extent which is strictly necessary.
- Ensure that such interactions are conducted transparently.
- Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.
• Uganda Government ensures that it is the duty of the Government to verify transparency in the interactions of Government with the tobacco industry.

• Uganda Government Tobacco Control Act 2015 echoes with WHO-FCTC Article 5.3

• The Act along with its components were challenged in the court of law by BAT.

• The Government fought strategically and convinced at the highest level—the office of the Prime Minister and were successful.
Philippines experience

- A **Joint Memorandum Circular** (JMC) was issued by the Philippine Civil Service Commission (CSC) and Department of Health (DOH).

- Consistent with the Anti-Graft and Corrupt Practices Act of the Philippines and the WHO FCTC, this JMC requires all public officials to:
  
  - Reject any interaction with the tobacco industry unless strictly necessary for its regulation, supervision and control.
  
  - Make all “necessary” interactions public and transparent.
  
  - Reject any form of direct or indirect contribution from the tobacco industry.
  
  - Disclose any interest in the tobacco industry.
Philippines experience

- Monitoring of violations and provisions for administrative proceedings
- Code of conducts
- JMC has created awareness about tobacco industry interference and the obligations of non-health department.
- The Department of Health set up an interagency committee on Article 5.3 to facilitate implementation of the JMC. It is composed of high-level officials and staff from various government agencies.
European Ombudsman as a body is particularly keen to ensure strict compliance with the overall ethical framework that applies to EU officials including:

- Transparency
- Conflicts of interest
- Revolving doors and accountability
- Maintain a dialogue with stakeholder
In complying with Article 5.3 of the Convention and its implementing Guidelines, the Ombudsman has thus decided to proactively publish online:

- **Any planned meetings** of herself, members of her Cabinet, and her staff with representatives of the tobacco industry (including lawyers, advisors, consultants and lobbyists acting on behalf of tobacco companies).

- **The list of participants** of such meetings.

- **The minutes** drawn up after a meeting has taken place to maintain transparency and an open dialogue with the stakeholders.

- The Ombudsman and her staff will only interact with tobacco industry personnel who have featured in the **Transparency Register** jointly set up by the Commission and the European Parliament.
Australia experience

- Public is informed of any meeting/interaction with tobacco industry by making an announcement on the website of Australian Deptt. of Health. (For example, consultations in relation to plain packaging measures were notified on the website.)

- Australian Government ensures the transparent and honest contact between lobbyists and government by maintaining the means:
  - Register of Lobbyists

- Lobbyists from certain tobacco companies are registered.

- Various parties and electoral commission of the Australian Government currently does not accept donations from the tobacco industry.
New Zealand experience

- In implementing Article 5.3, the New Zealand Ministry of Health states it is, “required to observe complete transparency in its dealings with the tobacco industry”.

- Since 2011, the ministry has maintained a publicly available online register of:
  - Annual tobacco returns filed by tobacco manufacturers and importers.
  - Meetings with the tobacco industry
  - Date of such meetings, who attended, and the topics discussed.

- No incentives, privileges, benefits or preferential tax exemptions are granted to the tobacco industry.
India experience

- In view of the increasing tobacco industry interference at sub-national level, states have taken the leadership and developed their own policies and set up committees for implementation of Article 5.3.

- 11 provinces have guidelines for city level officials

- In addition, a DO letter from Additional Secretary (Health) has been already sent to all the Chief Secretaries advising the States to not engage or partner with the Foundation for a Smoke-Free World.

- DO letters have also been sent to various stakeholder ministries in compliance to Article 5.3

- Recent example of preventing an official to attend a meeting in US funded by the Industry
Summary

• High level of advocacy to increase awareness for tobacco control

• Ensure high level of commitment for tobacco control: life becomes easy

• Not possible with all: hence create deterrents with code of conducts, monitoring mechanism

• Interaction leads to familiarity- a single meeting may be utilised by the industry to tarnish your image; imagine a photo being taken secretly by somebody while meeting them.

• ‘Necessity’ needs to be defined by a definition which is agreed upon by all in the Department- my necessity should be equal with everyone’s’

• Transparency clause itself will deter the attempt by the industry to penetrate you