Southeast Asia Tobacco Control Alliance

Tobacco Industry Interference Index

2015 ASEAN Report on Implementation of
WHO Framework Convention on Tobacco Control
Article 5.3

The Southeast Asia Tobacco Control Alliance (SEATCA) is a regional network. SEATCA works closely with governments, non-government organizations (NGOs), development agencies, and the academe to advance tobacco control in the ASEAN region. SEATCA has actively promoted effective and evidence-based measures under the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), increased participation and cooperation among advocates, organized regional forums for sharing lessons learned and best practices in advancing tobacco control policies, and played a significant role as a regional leader in tackling urgent priority issues in the region.

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The WHO Framework Convention on Tobacco Control recognized the Parties' "need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts".

WHO FCTC Article 5.3 Guidelines

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Introduction

> **"No way. As I have said before, giving any tobacco company a place at the negotiating table is akin to appointing a committee of foxes to take care of your chickens."**
>
> Dr Margaret Chan, Director-General World Health Organization*

The tobacco industry continues to interfere with, deter and thwart government efforts to protect public health through both overt and covert means. It lobbies and dissuades governments from developing and implementing stringent tobacco control policies that are effective. Such obstructive tactics must be exposed to illustrate the various ways in which the industry carries out these activities.

This is the second[1] Tobacco Industry (TI) Interference Index to assess the implementation of World Health Organization Framework Convention on Tobacco Control (WHO FCTC) Article 5.3 in the ASEAN region. Seven countries (Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines and Thailand) participated in this survey and have been ranked from the lowest level of TI interference to the highest. This second report shows there still remains much room for improvement in the implementation of the Article 5.3 Guidelines in the ASEAN region.

The FCTC cannot be implemented effectively if industry interference is not rooted out; hence, Article 5.3[2] is crucial for the success of the FCTC. Governments need to be proactive and vigorous in their efforts to put in place safeguards and measures to prevent unnecessary TI interactions, limit necessary ones, and set up public disclosure procedures to protect public health.

The first report covered the period 2009–2012, which provided a baseline for the Index. Respondents were asked to consult with advocates, partners, government and non-government organizations on the top 20 most commonly reported incidents of tobacco industry interference in seven countries in the ASEAN region referenced to specific FCTC Article 5.3 Guidelines recommendations. References were provided from publicly available evidence to support choice of answers, although in some instances there may be no evidence available. In this second report, covering the period 2013-2014, the same questions were revisited to identify any changes since the first report.

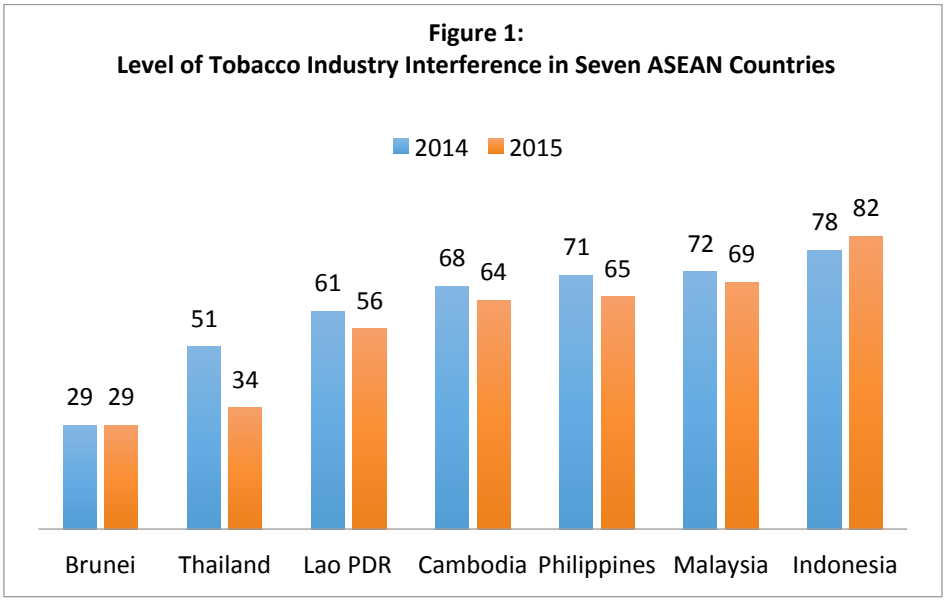
[1] The first 2014 Tobacco Industry Interference Index, http://www.seatca.org/dmdocuments/SEATCA-TII%20Index%20Report.pdf
[2] WHO Framework Convention on Tobacco Control, http://www.who.int/fctc/guidelines/article_5_3.pdf?ua=1
* Address by Dr Margaret Chan, Director-General WHO, 6th Session of the COP, Moscow, 13 October 2013, http://www.who.int/dg/speeches/2014/tobacco-control-cop6/en/

Main Findings

Interference from the tobacco industry remains a big problem in countries in the ASEAN region. There is marginal improvement in the implementation of Article 5.3 in the region. There is no change in the overall ranking of the countries: Brunei, Thailand, Lao PDR, Cambodia, Philippines, Malaysia and Indonesia (Figure 1).

- Thailand shows the biggest improvement, while there was slight improvement in efforts undertaken by Cambodia, Lao PDR, Malaysia and Philippines.
- Brunei Darussalam continues to deliver the best performance.
- There was slight worsening of the situation in Indonesia.
- Countries that face high levels of unnecessary interaction with the tobacco industry also face high levels of tobacco industry influence in policy development.
- Governments still accept or endorse offers of assistance from the tobacco industry in implementing tobacco control policies.
- Most governments continue to receive tobacco industry contributions in kind or endorse industry corporate social responsibility activities.
- While most governments do not have a procedure for disclosing interactions with the tobacco industry, Philippines and Thailand have instituted concrete measures to prevent or reduce tobacco industry interference.

Figure 1:
Level of Tobacco Industry Interference in Seven ASEAN Countries

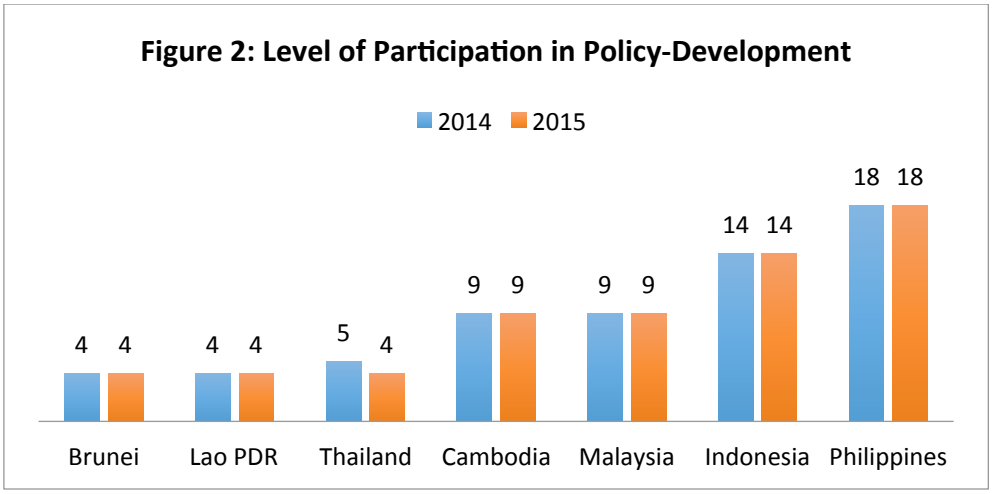


I. Tobacco Industry Participation in Policy Development

Brunei, Lao PDR and Thailand continue to curb TI influence in this area, while Philippines and Indonesia still face high level of industry participation. Most governments have made efforts to ensure their delegations to the sixth session of the Conference of the Parties (COP6) or other FCTC-related meetings rejected industry sponsorship to those meetings.[3]

Overall, there is no change in the level of tobacco industry participation in policy development in the seven countries (Figure 2).

[3] The Philippines' National Tobacco Administration, which was established specifically to promote tobacco farming, is classified as a government entity working to further the tobacco industry's interest. Representatives of the NTA have served on delegations to meetings of the COP and bodies established pursuant to COP decisions.



The Philippines continues to fare poorly in this area as its Tobacco Regulation Act (RA9211) provides the tobacco industry a seat in the Inter-Agency Committee-Tobacco (IAC-T). The Philippine Tobacco Institute (PTI) uses its position as an IAC-T member to actively weaken tobacco control policies. For example, the PTI sent a letter to the Department of Trade and Industry (DTI), chair of the IAC-T, stating its position, albeit a weak one, on the draft Graphic Health Warning Implementing Rules and Regulations (IRR). The DTI echoed the position of PTI during the IRR Committee meeting in 2014. Between 2013 and 2014, prior to the passage of the Graphic Health Warnings (GHW) law, tobacco companies submitted their positions and supported a bill sponsored by the president of the Northern Alliance (tobacco growing region) in the House of Representatives. The bill had weak provisions including a small size and placement of GHWs (30% GHW on the bottom front of the cigarette pack and text-only warning on the back).

The Philippines Tobacco Institute (PTI) uses its position to actively dilute tobacco control.

Indonesia, still a non-Party of the FCTC, continues to face strong TI participation and interference in policy development. The tobacco industry is regarded like any other industry and is treated as a stakeholder by the government; its views are taken into consideration when developing tobacco control policy. The Ministry of Health invited the tobacco industry and front groups when drawing up Government Regulations on pictorial health warnings and restrictions on advertising. The tobacco industry objected to banning advertising, and the government agreed to merely reducing the size of the tobacco billboards. The Ministry of Finance (Directorate General of Customs) consulted the tobacco industry on tax policy in 2014. There is currently a pro-tobacco bill in Parliament for debate.

In Malaysia, between 2013 and 2014, the tobacco industry succeeded in discouraging the government from increasing tobacco tax, claiming it would worsen smuggling of cigarettes. Philip Morris International funded a study that supported the tobacco industry's position, and this study was publicised in the media to discourage an excise tax increase. There was no tax increase in Malaysia in 2014.[4]

[4] Government urged to understand size, implications of illicit tobacco trade, The Sun Daily, 30 Sep 2013, http://www.thesundaily.my/news/843338

II. Tobacco Industry related CSR Activities

Tobacco companies use Corporate Social Responsibility (CSR) activities to circumvent the law regulating the industry, and as a strategy to gain access to elected officials who are empowered to approve and implement tobacco control policies.[5] Recommendation 6 of the Article 5.3 Guidelines requires countries to de-normalize the tobacco industry's CSR activities, which are still not banned among ASEAN countries and serve as a loophole the industry exploits.[6] Several countries (Cambodia, Singapore, Thailand and Vietnam) have banned the publicity of such CSR activities. Only recently (May 2015), Thailand approved legislation to ban TI-related CSR and is drawing up implementing measures.

Corporate Social Responsibility (CSR) activities by the tobacco industry continue to be a problem in providing access to government to officials in the ASEAN region.

In recent years, as governments adopt comprehensive bans or severely restrict tobacco advertising, promotion and sponsorship, tobacco companies have increased their CSR spending in the ASEAN region. Philip Morris International (PMI), for example, increased its spending in six countries (Indonesia, Malaysia, Philippines, Singapore, Thailand and Vietnam) in the ASEAN region from USD 8.2 million in 2009 to USD 12.5 million in 2013.[7] In the Philippines and Malaysia, PMI increased its spending about four-fold, while in Thailand it more than doubled its spending.

All governments, except Brunei and Thailand, receive some form of contribution (monetary or otherwise) from the tobacco industry. Thailand has shown marked improvement in the government not receiving any contributions from the tobacco industry and in officials not endorsing, forming partnerships with, or participating in so-called CSR activities of the tobacco industry. With the exception of Brunei, Lao PDR and Thailand, other government agencies or officials endorsed TI CSR activities or formed partnerships with the industry in receiving contributions.

In Philippines, with the Joint Memorandum Circular[8] in place, followed by many government departments drawing up their respective Codes of Conduct banning government officials from receiving or supporting TI-related CSR activities, such activities have reduced drastically. In 2014, there were only two reported instances of public officials participating in such activities – Marikina City Mayor in a Philip Morris Fortune Tobacco Corp (PMFTC) activity and public school teachers participating in a training programme in Batangas by the same company. In Malaysia, there is no effort towards de-normalising tobacco industry's CSR activities nor banning them; more so, state government bodies continue to endorse these industry activities. In 2013, British American Tobacco (BAT) collaborated with two state government bodies (Kelantan Southern Development Authority (KESEDAR) and Kedah Regional Development Authority (KEDA)) to build 35 houses for the poor.[9]

[5] Tobacco CSR thwarts ad ban, no smoking laws, Judith Balea, 31 May 2013, http://www.rappler.com/newsbreak/30315-tobacco-csr-work-thwarts-ad-ban,-no-smoking-laws
[6] End tobacco industry corporate giving: An overview of CSR in Southeast Asia, SEATCA handout, 2012 http://www.seatca.org/dmdocuments/CSR%20Handout_2012_Fina.pdf
[7] Philip Morris International charitable contributions, http://www.pmi.com/eng/documents/2009_charitable_contributions_total.pdf http://www.pmi.com/eng/about_us/corporate_contributions/documents/contributions_in_2012.pdf
[8] Civil Service Commission - Department of Health Joint Memorandum Circular No. 2010-01 http://www.smokefree.doh.gov.ph/uploads/attachments/199597c6480f1fbad91e61cfd8c1a3a41a5621de.pdf
[9] British American Tobacco Malaysia, Annual Report 2013, pg 85; www.batmalaysia.com/group/sites/bat_7ryj8n.nsf/vwPagesWebLive/DO7SUKSJ/$FILE/medMD9HLFU7.pdf?openelement

III. Benefits to the Tobacco Industry

Overall, the tobacco industry continues to obtain benefits to do its business in several countries.

Overall, the tobacco industry continues to obtain benefits to do its business in several countries either by getting longer lead time for compliance to regulations, postponement of more stringent legislation to reduce tobacco use, or enjoying incentives and other exemptions. With the exception of Brunei and Thailand, the other governments accommodate requests from the tobacco industry for a longer implementation time or a postponement of tobacco control laws. Benefits to the tobacco industry such as privileges and tax exemptions are still a problem in Lao PDR and Indonesia. For example, the tobacco industry in Lao PDR obtained a 5-year tax holiday and capped ad valorem tobacco tax rates at 15%-30% until 2026.

Indonesia and Malaysia have accommodated requests from the tobacco industry to grant a longer implementation period for legislation or delay the strengthening of existing legislation or enactment of new laws. Indonesia granted 18 months to the industry to apply pictorial health warnings on cigarette packs effective 24 June 2014, which was extended for two months (August) and unofficially ran into another four months before tobacco companies started complying fully. There is no penalty in the regulations for non-compliance. Tobacco companies in Indonesia have already been exporting their cigarette packs carrying with PHW to Singapore (since 2004), Brunei (2008) and Malaysia (2009) to comply with laws of these countries but gave excuses to the Indonesian government why they were unable do it for Indonesian people.

In Malaysia, although more public places have become smoke-free, restaurants and eating places are still not 100% smoke-free in order to accommodate requests from the tobacco industry's representatives. There is no public update on the status of a comprehensive draft Tobacco Control Bill, which has been in drafting process since 2003.

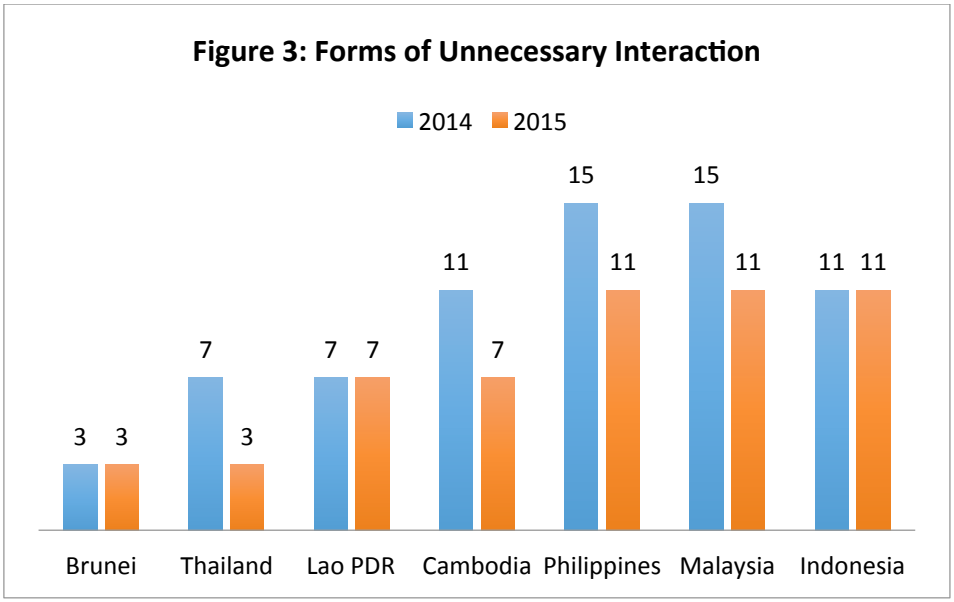
Philippines has shown a slight improvement in that the schedule in the Sin Tax Reform Law providing for the annual increase of tax rates of tobacco products has been strictly implemented by the government. It must be noted that on the GHW compliance, the government compromised by granting tobacco manufacturers a 12-month compliance deadline for printing the new graphic health warnings and an additional 8 months for depleting old stocks after the initial 12 months (total 20 months).

When it is reported that no incentives were accorded to the tobacco industry, it does not mean that absolutely no benefit was given. The presence of foreign tobacco investors in a country would indicate they naturally enjoy foreign investor privileges. Information on this may not be publically available to advocates. More research is needed to corroborate this information.

IV. Forms of Unnecessary Interaction

Across the board, there is some improvement in reducing government interaction with the tobacco industry in several countries.

Thailand, Cambodia, Malaysia and Philippines saw marginal improvement in reducing opportunities for unnecessary interaction (Figure 3). However, there is still plenty of room for improvement. Brunei continues to ensure there is no interaction between the government and the industry and its representatives. Cambodia, Lao PDR and Thailand report that top-level government officials do not meet with nor foster relations with tobacco companies, such as attending social functions and events sponsored or organized by the tobacco companies. Thailand shows an improvement in that the tobacco industry is not involved nor contributes to any enforcement activities.



In Philippines, there has been no monitored instance of top government officials meeting with or fostering relations with the tobacco industry, which is an improvement. However in 2013, the Department of Justice partnered with the Federation of Philippine Industries (FPI) to conduct training on illicit trade. PMFTC is a member of FPI and had echoed positions of PMFTC with regard to tobacco control policies. In Malaysia, while there have been no partnership agreement nor MOUs between the government and the tobacco industry, which is an improvement, there still remains a vulnerable area with the industry via the American Chamber of Commerce and the Ministry of Domestic Trade, Co-operatives and Consumerism accepting assistance in the area of enforcement.

V. Transparency

Prevailing public perception is that most governments have not put in place procedures, which enable them to publicly disclose meetings or their interactions with the tobacco industry. This includes not indicating when the meetings with the industry take place, their purposes, or the contents and outcomes of the meetings. The tobacco industry communicates with governments on any matter that concerns their business. However, there is no systematic record keeping of what the industry is saying to governments, its recommendations and its impact on tobacco control. The public may be informed of government decisions after such meetings through press statements. Transnational tobacco companies such as PMI, BAT and JTI have specialised staff (e.g. Regulatory Affairs Manager), whose job is to communicate and represent the industry's interest to governments.

There was no improvement in the government transparency about their interaction with the tobacco industry.

To its credit, Philippines' JMC requires such disclosure and requires government departments to report on their interaction with the industry. However, the Civil Service Commission (CSC) does not have any full information about meetings of other agencies with the tobacco industry. Agencies such as the Department of Agriculture and the Department of Trade and Industry do not publicly disclose such meetings nor submit documentation/ reports to the CSC. Transparency in this matter would greatly assist governments to protect themselves from undue influence and interference from the industry. It would also expose the lies and myths that the industry perpetuates to governments.

VI. Conflict of Interest

Overall, there has not been improvement in this issue.

There is limited information on this in countries and responses are subjected to advocates' own knowledge. Respondents who answered positively provided evidence. It is also possible that those who said 'Never' do not have the information or simply do not perceive that this is an issue.

Brunei prohibits political contributions from the tobacco industry and continued to not have any conflict of interest. Most countries maintained their status quo in that they do not prohibit or require full disclosure of such contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns.

Indonesia saw a deterioration in that the former Director General of Customs and Excise became one of the commissioners of PT HM Sampoerna in June 2013.[10] Meanwhile in the same year, the recently retired Malaysian Director-General of Customs was elected to become the Senior Advisor to the US-based International Tax and Investment Center (ITIC),[11] funded by, among others, the top transnational tobacco companies. The ITIC has conducted two studies on illicit trade in tobacco products in a number of Asian countries, both funded by Philip Morris International. It is no surprise that their findings and recommendations reflect the tobacco industry's position. This former DG promoted the studies in Malaysia and made pro-industry recommendations.

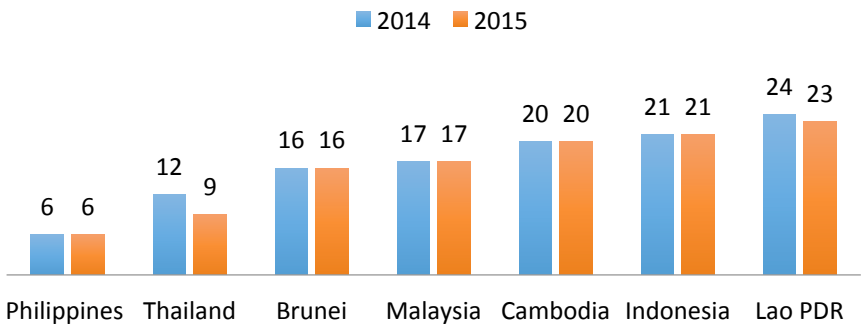
Lao PDR had an improvement in that no senior government official or relative is holding positions in the tobacco business including consultancy positions.

VII. Preventive Measures

While Thailand and Lao PDR took marginal steps forward, overall, there has been no improvement in countries putting in place preventive measures to curb interaction with the tobacco industry (Figure 4). Outside the Departments/Ministries of Health, most government departments have no knowledge of FCTC Article 5.3 Guidelines and treat the tobacco industry like any other industry or investor.

While Thailand and Lao PDR took marginal steps forward, overall, there has been no improvement in countries putting in place preventive measures to curb interaction with the tobacco industry.

Figure 4: Preventive Measures to Curb Tobacco Industry Interaction



[10] People: Sampoerna Agro Tbk PT; http://www.reuters.com/finance/stocks/companyOfficers?symbol=SGRO.JK
[11] The Hon Dato' Sri Mohamed Khalid Bin Hj Yusuf elected ITIC Senior Advisor, http://www.iticnet.org/images/Khalid%20Yusuf%20Press%20Statement.pdf

Philippines and Thailand are doing better than other countries in instituting measures to restrict tobacco industry interaction. As recommended in the Article 5.3 Guidelines, one way to de-normalize the tobacco industry is through a Code of Conduct or guidelines for officials when dealing with the tobacco industry. Philippines continues to show leadership in implementing its JMC as more government departments draw up Codes of Conduct for their respective officials.[12]

Through a Cabinet decision, Thailand prohibits the acceptance of all forms of contributions from the Thai Tobacco Monopoly (TTM), including offers of assistance, policy drafts, or study visit invitations to the government and its officials; however, this applies only to the TTM. The government through the Article 5.3 Committee is now developing a procedure to raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines.

Brunei, Indonesia, Malaysia and Thailand require the tobacco industry to submit information on tobacco production, manufacture, market share, and revenues; however, the tobacco industry is not required to provide information on marketing expenditures, expenses on lobbying, philanthropy and political contributions. PMI spent USD 62 million[13] to roll out its "Don't Be a Maybe, Be Marlboro" campaign around the world including in Thailand, Philippines and Indonesia. However, national governments had no information on how much the company had spent locally, or how to stop the aggressive advertising and promotion campaign, which clearly targeted teenagers.

While governments have made some effort towards raising awareness on policies relating to Article 5.3 Guidelines, these are not carried out in a systematic or consistent manner. Most governments still do not have a procedure for disclosing records of interactions with the tobacco industry and its representatives. If this effort is stepped up and done systematically, it will assist governments towards better implementation of the Guidelines.

In Indonesia, there has been no effort to create awareness because the government does not see TI interference as a problem or the need to protect its policies from industry attacks and challenges.

Philippines: Code of Conduct to protect the bureaucracy from undue influence

The Department of Health and the Civil Service Commission jointly issued the Joint Memorandum Circular No. 1 of 2010 (JMC). This policy provides a code of conduct for all government officials in relation to the tobacco industry, which, consistent with Article 5.3 Guidelines, is broadly defined in the policy to include all those that represent the tobacco industry.[14]

Consistent with the Anti-Graft and Corrupt Practices Act and the FCTC:

1. All public officials shall:
    - Not interact with the tobacco industry (TI) unless strictly necessary for its regulation;
    - Make all "necessary" interactions public and transparent;
    - Not receive any form of direct or indirect contribution from TI; and,
    - Disclose interests in the TI

2. Violations of JMC are subject of administrative proceedings.

3. Heads of agencies must include implementation of the JMC in their annual reports.

[12] FCTC Article 5.3 Guidelines Best Practice: The Role of the Public Service Commission, March 2015, SEATCA http://www.tobaccowatch.seatca.org/publications/
[13] You are the target: Global Marlboro campaign found to target teens; 2014, http://global.tobaccofreekids.org/en/industry_watch/marketing/youre_the_target
[14] Republic of Philippines: Joint Memorandum Circular 2010 – 01, Civil Service Commission and Department of Health; http://www.smokefree.doh.gov.ph/uploads/attachments/199597c6480f1fbad91e61cfd8c1a3a41a5621de.pdf

JMC in Action

- Department of Education adopted a policy to prohibit TI contributions (so-called CSR of TI) in public schools and warned those reported to have received TI CSR indirectly.
- When a multinational tobacco company approached the Commission on Customs to be a "partner" in curbing illicit trade, the government agency sought advice from the CSC and was informed that it would violate the JMC if it pursues this partnership.

De-normalise the tobacco industry

The tobacco industry is unique in that it is an industry that produces a product that kills half its customers prematurely. This amounts to more than 500,000 deaths in the ASEAN region a year and 6 million deaths worldwide. FCTC Article 5.3 calls upon governments to de-normalise the tobacco industry's philanthropy activities:

"De-normalise and, to the extent possible, regulate activities described as "socially responsible" by the tobacco industry, including but not limited to activities described as "corporate social responsibility".[15]

Governments need to recognise that the tobacco industry cannot be treated like any other regular business. It is vital for the whole of government to acknowledge that the tobacco industry needs to be stripped of its privileges and strictly monitored and regulated. It cannot be business as usual.

Recommendations and Way Forward

Governments have to dramatically step up their efforts to implement Article 5.3. Implementation of this FCTC general obligation is vital to strengthen overall tobacco control; however, efforts are lagging far behind since adoption of the Article 5.3 Guidelines in 2008. The recommendations stated in the Guidelines provide clear measures that governments can implement to curb industry meddling and disruption. Outside the Department/Ministry of Health, other government departments remain largely unaware of Article 5.3 and have not utilised its strength to regulate the tobacco industry. More concerted effort is needed to publicise the importance of implementing Article 5.3.

- Transparency is needed in dealing with the tobacco industry and this is a major area that needs improvement;
- Governments need to record and document all meetings with the tobacco industry and their outcome; A whole-of-government approach is vital for Article 5.3 implementation, and a practical way forward would be to adopt a Code of Conduct for government officials;
- Ban CSR activities by the tobacco industry;
- Require tobacco companies to disclose and report on all expenditure on marketing, retailer incentives, philanthropy, lobbying, and political contributions.

Acknowledgement

We acknowledge the valuable contributions from the various country partners in the preparation of this Tobacco Industry Interference Index 2015.

[15] WHO Framework Convention on Tobacco Control, Article 5.3 Guidelines, 2008 http://www.who.int/fctc/treaty_instruments/Guidelines_Article_5_3_English.pdf?ua=1

Table 1. Summary: Tobacco Industry Interference Index in ASEAN Countries

INDICATORS	BN	KH	ID	LA	MY	PH	TH
Level of Participation in Policy-Development *0 Not applicable, 1 Never, 2 Rarely (<10% of the time), 3 Sometimes (10-40% of the time), 4 Frequently (40-75% of the time), 5 Always (>75% of the time)*							
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) **1 no incident, 2 receives/ accepts/ acknowledges, 3 supports or endorses, 4 uses assistance/ repeats arguments, 5 allows such assistance or collaboration to influence decisions on policy*	1	3	4	1	3	5	1
2. The government accepts, supports or endorses legislation drafted by/ collaboration with the tobacco industry (Rec 3.4)	1	3	5	1	3	5	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	2	5	1	2	5	1
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	0	1	1	3	1
Subtotal	4	9	14	4	9	18	4
So-called CSR activities *0 Not applicable, 1 Never, 2 Rarely (<10% of the time), 3 Sometimes (10-40% of the time), 4 Frequently (40-75% of the time), 5 Always (>75% of the time)*							
5. The government receives contributions from the tobacco industry (including so-called CSR contributions) (Rec 6.4)	1	3	5	2	3	3	0
6. The government agencies/officials endorses, forms partnerships with/ participates in tobacco industry CSR activities (Rec 6.2) **1 acknowledges, 2 endorses/supports, 3 participates (through officials), 4 forms partnership, 5 supports/partners with AND participates*	0	5	5	0	2	3	0
Subtotal	1	8	10	2	5	6	0
Benefits to the Tobacco Industry *0 Not applicable, 1 Never, 2 Rarely (<10% of the time), 3 Sometimes (10-40% of the time), 4 Frequently (40-75% of the time), 5 Always (>75% of the time)*							
7. The government accommodates requests from the industry for longer implementation time or postponement of tobacco control law (Rec 7.1)	1	3	5	5	5	3	1
8. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)[16]	1	1	5	5	2	3	1
Subtotal	2	4	10	10	7	6	2
Forms of Unnecessary Interaction *1 Never 5 Yes (even if only 1 incident in the past 2 years)*							
9. 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)	1	1	5	1	5	1	1
10. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement (Rec 3.1 & 4.3)	1	1	1	5	5	5	1

[16] e.g. reduced income tax rates or property tax exemption, duty-free imports of machineries and capital assets, subsidies for tobacco production, delayed implementation of excise tax increase, other incentives granted to foreign investors, duty-free tobacco distribution in government owned facility or shop

INDICATORS	BN	KH	ID	LA	MY	PH	TH
11. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry (Rec 3.1)	1	5	5	1	1	5	1
Subtotal	3	7	11	7	11	11	3
Transparency *0 Not applicable, 1 Never, 2 Rarely (<10% of the time), 3 Sometimes (10-40% of the time), 4 Frequently (40-75% of the time), 5 Always (>75% of the time)*							
12. The government does not publicly disclose meetings/ interactions with the tobacco industry where such interactions are strictly necessary for regulation. (Rec 2.2)	0	5	5	3	5	5	1
Subtotal	0	5	5	3	5	5	1
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 4.11) **1 No; 5 Yes*	1	5	5	5	5	5	5
14. Retired senior officials work for the tobacco industry (Rec 4.4) **0 Not applicable, 1 Never, 2 Rarely (<10% of the time), 3 Sometimes (10-40% of the time), 4 Frequently (40-75% of the time), 5 Always (>75% of the time)*	1	1	5	1	5	3	5
15. Current government officials and their relatives hold positions in the tobacco business including consultancy positions (Rec 4.5, 4.8 & 4.10) **0 Technical officials necessary to manage SOE; 1 Low to mid level public health officials; 2 Non-tobacco-control high-level public health official, 3 Tobacco-control-related official (agriculture, customs); 4 Tobacco control official in health ministry; 5 any high level official (Minister, Prime Minister, including elected officials)*	1	5	1	1	5	5	5
Subtotal	3	11	11	7	15	13	15
Preventive Measures *1 Yes, 2 Yes but partial only, 3 Policy/ program being developed, 4 Committed to develop such a policy/ program, 5 None*							
16. The government has a procedure for disclosing records of the interaction with tobacco industry and its representatives. (Rec 5.1)	5	5	5	4	5	1	2
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards they should comply when dealings with the tobacco industry (Rec 4.2)	5	4	5	5	3	1	1
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)	1	5	1	5	2	2	3
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)	4	4	5	4	3	1	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)	1	2	5	5	4	1	1
Subtotal	16	20	21	23	17	6	9
TOTAL	**29**	**64**	**82**	**56**	**69**	**65**	**34**

Towards a healthy, tobacco-free ASEAN

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