

UNITED KINGDOM

2021

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Report

Acknowledgements

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Input: Thanks to Action on Smoking and Health (ASH), ASH Scotland, ASH Wales, and Cancer Research UK (CRUK) for their input into this report. Thanks to the UK Department of Health and Social Care (DHSC) for providing feedback on individual sections of the report. Thanks to Karin Silver from the Tobacco Control Research Group at the University of Bath, and Karen Evans-Reeves (formerly with the Tobacco Control Research Group) for providing feedback on individual sections of the report. We also thank Mary Assunta from the Global Center for Good Governance in Tobacco Control (GGTC) for her advice in the preparation of this report.

Context: The 2021 UK Tobacco Industry Interference Index (UKTI) forms part of the [Global Tobacco Industry Interference Index \(GTI\)](#), a global survey of how public health policies are protected from the industry’s subversive efforts, and how governments have pushed back against this industry influence. The Tobacco Industry Interference Index (TI) was initiated by the [South East Asia Tobacco Control Alliance \(SEATCA\)](#) as a regional report with support from Bloomberg Philanthropies and is part of a global publication of [GGTC](#) at the School of Global Studies in Thammasat University, Thailand.

Funding: The UKTI was made possible thanks to support from Bloomberg Philanthropies for STOP, a global tobacco industry watchdog whose mission is to expose the tobacco industry strategies and tactics that undermine public health. STOP is a partnership between the Tobacco Control Research Group at the University of Bath, GGTC, The Union, and Vital Strategies. The UKTI was prepared for STOP by the Tobacco Control Research Group at the University of Bath.

Suggested citation: Alebshehy R., Zatoński M., Dance S., Laurence L., Chamberlain P., Gilmore A.B. 2021 UK Tobacco Industry Interference Index. Tobacco Control Research Group, University of Bath. November 2021.

Key acronyms used in this document

APPG	All-Party Parliamentary Group
CSR	Corporate Social Responsibility
DEFRA	Department for Environment, Food and Rural Affairs
DHSC	Department of Health and Social Care
FCO	Foreign and Commonwealth Office (renamed the Foreign and Commonwealth Development Office in March 2020)
FCTC	Framework Convention on Tobacco Control
GTI	Global Tobacco Industry Interference Index
HMRC	Her Majesty’s Revenue and Customs
PHE	Public Health England
UKTI	United Kingdom Tobacco Industry Interference Index
WHO	World Health Organization

Background and Introduction

This report measures the intensity, frequency, and severity of incidents of tobacco industry interference reported in the UK between 1 January 2020 and 31 March 2021. However, for the sake of completeness, it also includes information on incidents that took place in the five years prior (2015-2019) but which emerged only in 2020 or 2021, and that were not covered in the previous (2020) UKTI, or which were ongoing in 2020 or 2021. Last year's report covering the period from 1 January 2019 to 31 December 2019 can be accessed on the [Tobacco Control Research Group website](#).

This report is based on SEATCA's TI and scoring guidelines. The scoring range for the questions is from 1 to 5. The lower the score, the better the compliance with the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) Article 5.3.¹ For details on scoring, please see Assunta M. Dorotheo E.U., [SEATCA Tobacco Industry Interference Index: a tool for measuring implementation of WHO Framework Convention on Tobacco Control Article 5.3](#). *Tobacco Control* 2016; 25:313–318.

To complete the index of 20 indicators under seven key themes for the UK, an expert consultation was conducted with several of the UK's leading public health and tobacco control specialists. This was supplemented by a scoping review of the academic literature, and publicly available evidence, including UK media websites, UK government websites, and the Tobacco Tactics website.

Reviewers separately searched for evidence and agreed on the scoring together. To minimise subjectivity, regular communication was maintained with the SEATCA team to ensure that each indicator was well understood by the reviewers and the scoring was done with accuracy. This coordinated approach is necessary to allow comparisons between the countries included in the GTI.

Note on the use of “government”: In line with the GTI protocol, this document applies the term “government” widely to cover not only the UK government (and devolved administrations) and public officials, but also backbench politicians and political parties. Although these are not technically part of government, they are included because of the important role they play in policy development and law-making in the UK's parliamentary system.

¹ Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control

Summary Findings

Industry participation in policy development

The UK government, and devolved administrations, did not accept offers of assistance from the tobacco industry, endorse their policies, nor invite industry representatives to attend policy meetings. The UK delegation to the WHO FCTC Conference of the Parties (COP) excluded industry representatives. However, there were instances of industry representatives, or organisations affiliated to the industry, participating in or funding informal parliamentary groups. The tobacco industry is allowed to provide responses to public regulatory consultations, and failure to do so could leave any tobacco control legislation open to legal challenge. Tobacco companies and their allies made the most of these opportunities, meaning that in some consultations, many responses were aligned with the industry's own narrative and interests. However, respondents to health-related consultations are required to declare any link to the industry.

Industry corporate social responsibility (CSR) activities

Tobacco industry activities described as “socially responsible” were not banned in the UK. There were instances of the government requesting research and development support from the tobacco industry during the COVID-19 pandemic, of an MP supporting an industry study into illicit trade, and several government departments were members of a think tank, the Royal United Services Institute, which also had tobacco industry members. The tobacco industry continued to promote its CSR activity among parliamentarians using informal parliamentary groups and direct lobbying.

Benefits to the industry

The UK government, and devolved administrations, did not grant exemptions to the tobacco industry. However, there were no clear rules mandating the government not to provide preferential treatment to the industry. The major tobacco companies continued to pay very low levels of corporation tax in the UK, due to generic rules on corporation tax which are not specific to the tobacco industry. After Brexit, the UK conducted a consultation on duty-free and tax-free products. This included submissions from the travel, alcohol and tobacco industries, and led to the UK extending duty-free allowances for tobacco products to travellers returning from the EU. However, the previous duty-free allowances for travellers from the EU were removed and, for the first time, heated tobacco products were included in the duty-free limits.

Unnecessary interactions

There was no evidence that top-level UK officials attended tobacco industry social functions, but several instances of unnecessary interactions between the tobacco industry and more junior officials, diplomats, and politicians were noted. At the time of writing this report, parliamentary data on functions and hospitality covered only the period to 31 July 2020. There was no evidence that the government or devolved administrations accepted assistance from the industry for their tobacco control activities, but there were cases of limited engagement with the tobacco industry by local authorities. The government hosted a roundtable with the industry to tackle cigarette butt litter in the UK, yet at the same time announced its aim to use environmental legislation, rather than a voluntary approach, to make tobacco manufacturers clear up the toxic waste caused by cigarette butts.

Transparency

In the past, DHSC adopted guidelines for the implementation of Article 5.3, requiring organisations it engaged with to disclose any links with the tobacco industry. However, there was no general requirement for the industry and affiliated entities to register with the government. Given the industry's growing use of third parties and the challenges of tracing its links to, and funding of, third parties, this continues to be an important omission.

Conflict of interest

General rules regulated political contributions to political parties, candidates and campaigns, and the disclosure of such contributions worth over £7,500. However, no legislation specifically prohibited the tobacco industry from making political donations. No government officials held positions in the tobacco industry, but several instances of past involvement, direct and indirect, have been identified, including for senior government officials during the period in question.

Preventive measures

There was no comprehensive set of rules regulating public officials' interactions with the tobacco industry, aside from the Foreign and Commonwealth Office (FCO) code. There was a government procedure for disclosing the records of interaction with the tobacco industry, but this has been implemented only in part. Some agencies, e.g. Public Health England (PHE) and the Department for Environment, Food and Rural Affairs (DEFRA) published minutes of meetings with stakeholders linked to the industry, while the Scottish government required a declaration of interests at its Ministerial Group on Tobacco. Some departments e.g. HM Revenue and Customs (HMRC), published very little detail about meetings, while others, e.g. HM Treasury, reported meetings regularly for a period but then stopped.

Tobacco manufacturers collected data on profits, taxes, prices, sales, marketing and research spend and were required to provide some of these data to government. However, taxpayer confidentiality laws have been applied to prohibit the publication of data provided to HMRC and the government was allowed to publish information only on the ingredients in, and emissions from, tobacco products. There was no evidence of a systematic strategy to raise awareness of policies related to the Article 5.3 guidelines in government departments or devolved administrations.

Finally, there was no specific policy preventing government officials from accepting industry contributions (or people moving from civil service posts to jobs in the tobacco industry, or vice versa), although such interactions were separately governed by anti-corruption regulations.

Recommendations

1. Require, collect, and publish tobacco industry data (including on profits, taxes, prices, spending on marketing, research and CSR, and local sales data of all products) – as recommended by the backbench All-Party Parliamentary Group (APPG) on Smoking and Health – and ensure such data are published in a useable format, and if possible, with a breakdown by devolved nation.
2. Ensure comprehensive procedures for publishing details of all meetings with the tobacco industry, and vested interests (groups and individuals funded by the industry), are fully implemented across all government departments.
3. Implement and embed central and devolved government programmes to regularly raise and maintain awareness of Article 5.3 and how to comply with it across the whole of government.
4. Require DHSC to develop and disseminate, in partnership with devolved administrations, a comprehensive set of rules for public officials, prescribing standards public officials should comply with in their dealings with the tobacco industry and vested interests.
5. Ban CSR activities by the tobacco industry and vested interests.
6. Require better enforcement of the FCO guidelines.
7. In government summaries, identify and separate out the tobacco industry's responses to regulatory consultations that relate to public health and tobacco control.
8. Create and maintain a legally binding and publicly accessible register that covers all lobbying and policy influence activity across UK administrations. Furthermore, make it a legal requirement for organisations involved in policy discussions to register and disclose their funding before lobbying. Ensure that organisations failing to register or fully declare funding are excluded from policy discussions.
9. Avoid conflicts of interest by prohibiting the tobacco industry and vested interests from making contributions (monetary or otherwise) to political parties and public officials at all levels. The latter would include offers of assistance, policy drafts, study visit invitations, hospitality, and funding. Prohibit public officials from holding positions in, or being seconded to, the industry, or taking up posts with the industry for a defined number of years after leaving public positions (and vice versa).
10. Audit HMRC to ascertain whether the government provides preferential tax exemption to the tobacco industry and remove duty-free concessions for tobacco products. Exempt the tobacco industry from being able to reclaim against corporate tax for marketing (including CSR) and promotions.
11. Ensure that bilateral trade agreements developed as a result of Brexit are compliant with the UK's obligations as a Party to the WHO FCTC and Protocol to Eliminate Illicit Trade in Tobacco. Also ensure they contain exemptions allowing for the protection of public health.

Results and Findings

	0	1	2	3	4	5
Level of industry participation in policy development						
1. The government ² accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ³ in setting or implementing public health policies in relation to tobacco control. ⁴ (Rec 3.4)		1				
<p>There is no evidence of tobacco industry involvement in government groups and agencies directly setting public health policies. However, tobacco industry representatives, or tobacco industry affiliated organisations, were involved with informal cross-party parliamentary groups that have no official status.</p> <ul style="list-style-type: none"> • In February 2021, the All-Party Parliamentary Group (APPG) for Vaping set up an inquiry into the ninth session of the Conference of Parties (COP)⁵ to the WHO FCTC.⁶ The APPG invited submissions from a range of stakeholders, including the tobacco industry and the government. The UK government did not respond. Submissions to the inquiry included one from a tobacco company, Japan Tobacco International (JTI); and from individuals and organisations with industry links: the Adam Smith Institute, the International Network of Nicotine Consumer Organisations (INNCO), Mark Pawsey, JUUL Labs, the Reason Foundation, the Institute of Economic Affairs (IEA), the UK Vaping Industry Association (UKVIA), and The Federation of Philippine Industries, which has tobacco company members including Philip Morris International (PMI) and JTI. The consultation included evidence sessions.⁷ The consultation report⁸ was published in March 2021 and: <ul style="list-style-type: none"> - It stated that, “This is not an official publication of the House of Commons or the House of Lords. It has not been approved by either House or its committees. All-Party Parliamentary Groups are informal groups of Members of both Houses with a common interest in particular issues. The views expressed in this report are those of the inquiry panel only, acting in a personal capacity, based on the evidence they received and heard during the inquiry.” - It acknowledged oral contributions to the evidence sessions by members of the House of Commons and the House of Lords in addition to a number of people and organisations. These oral contributions also included submissions from individuals with links to the tobacco industry: Martin Cullip of New Nicotine Alliance, John Dunne of UKVIA, Daniel Pryor of the Adam Smith Institute, and Gerry Stimson of Knowledge-Action-Change (KAC). 						

² See note on the use of “government” on page 3

³ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the state-owned tobacco industry.

⁴ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁵ Regular sessions of the COP are held every two years. The role of COP is stated in the [WHO FCTC Article 23](#)

⁶ APPG for Vaping, [COP Inquiry](#), 2020

⁷ Tobacco Tactics, [All Party Parliamentary Group for Vaping](#), 2021

⁸ APPG for Vaping, [Inquiry into the Framework Convention on Tobacco Control Conference of the Parties 9: A report by the All-Party Parliamentary Group for Vaping Inquiry \(COP9\)](#), March 2021, accessed April 2021

- It accused WHO of refusing to acknowledge that vaping is safer than smoking, and as a result risks undermining a policy which has been proven to help people stop smoking. The report listed several recommendations, stating that the UK should consider its options in relation to future funding of WHO and WHO FCTC, and that it should consider withdrawing funds if WHO continues to discourage this form of smoking cessation. It also called for the UK to include harm reduction public health experts in its delegation to FCTC COP9 and to encourage other member states to follow suit.
- Another parliamentary group, the APPG on Corporate Governance, received £10,000 from BAT in 2015, and £5,000 every year from 2014 to 2020.⁹
- Between January and March 2021, DHSC carried out a consultation as part of a legal duty to conduct a post-implementation review of the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015.¹⁰ The consultation description stated that “We expect a wide range of industry, charities, academic researchers and members of the public to respond to this consultation”. It further stated that “the UK is a party to the WHO FCTC and as such the UK has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry”. As of March 2021, the responses were not yet published. The UKVIA, a group with links to the tobacco industry, published a regulatory changes proposal, “A blueprint for better regulation”, in response to the consultation, but this was done by the organisation on its own initiative and without any formal connection to the consultation.¹¹
- HM Revenue and Customs (HMRC) regularly holds meetings with tobacco stakeholders including JTI, Imperial Brands, British American Tobacco (BAT), PMI, the Tobacco Manufacturers’ Association (TMA), and the Imported Tobacco Products Advisory Council. Information about who attends these meetings and what issues are discussed is updated quarterly. Issues discussed in 2020 included the track and trace system, a policy announcement on duty-free, and free ports. However, no meeting minutes or outcomes are available.¹²
- In March 2020, an article published by the Bureau of Investigative Journalism highlighted that PMI approached Burnley Borough Council with an offer to support stop smoking services. The council chief replied, “We are obviously interested”, suggesting a meeting. PMI stated that its offer was to supply unsuccessful quitters with discounted or loan devices of smoke-free products. The council said: “We were approached by Philip Morris, we listened to what they had to say, we rejected their offer.”¹³

⁹ Register Of All-Party Groups: Corporate Governance, UK parliament website, as at 30 March 2015, accessed April 2021

¹⁰ DHSC, Tobacco and related products legislation introduced between 2015 to 2016: reviewing effectiveness, 2021

¹¹ UKVIA, Tobacco and Related Products Regulations (TRPR) A Blueprint for Better Regulation, 2021

¹² HMRC, HMRC officials’ meetings with tobacco stakeholders, 2020

¹³ The Bureau of Investigative Journalism, PMI sidesteps global health treaty to lobby councils, March 2020

	0	1	2	3	4	5
2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
<ul style="list-style-type: none"> The government did not support or endorse policies or legislation drafted by or in collaboration with the tobacco industry. However, it was noted that, as a parliamentary democracy, the UK conducts public regulatory consultations to which any person or organisation can provide responses. When completing consultations to which the tobacco industry may respond, respondents are asked to declare any link to the industry. The failure to allow the tobacco industry to participate in such public consultations could leave tobacco control legislation open to legal challenge. In 2020, in line with Article 5.3, these consultations were transparent, the responses were made public, and the government was under no obligation to implement the tobacco industry’s recommendations. However, in one case, it appears that suggestions made by the tobacco industry may have been followed. <ul style="list-style-type: none"> In March 2020, the UK government carried out a consultation on duty-free and tax-free products after Brexit. Respondents included BAT, Imperial Brands, JTI, and PMI. Respondents from the tobacco industry welcomed the extension of duty-free sales. The summary of responses showed that “43 respondents to the consultation, mainly in the travel, alcohol and tobacco industries, strongly welcomed the extension of duty-free sales. Three respondents felt that tobacco allowances should be set at zero on health grounds, two felt tobacco allowances should be reduced to the minimum possible level, and one felt that both tobacco and alcohol allowances should be set at zero.” As a result of the consultation, the government decided to maintain the current allowance of 200 cigarettes or 100 cigarillos or 50 cigars or 250g tobacco, which is equivalent to the upper limit permitted by EU regulations.¹⁴ In November 2020, JTI submitted written evidence to the UK government on tariffs and the Northern Ireland Protocol. JTI argued in favour of keeping a Free Trade Agreement with the EU to avoid disproportionately high tariffs post-Brexit. It also highlighted problems faced by manufacturers for requirements to track and trace tobacco products. Overall JTI’s document focused on the potential negative economic impact of Brexit on tobacco companies.¹⁵ However, there is no evidence that this submission influenced any governmental policies or legislation. 						
3. The government allows/invites the tobacco industry to sit in government interagency/multi-sectoral committee/advisory group body that sets public health policy. (Rec 4.8)	0					
<ul style="list-style-type: none"> No such incidents were identified. 						

¹⁴ HM Treasury and HMRC, *A consultation on duty-free and tax-free goods carried by passengers*, 2020

¹⁵ UK Parliament, *Written evidence submitted by Japan Tobacco International (JTI) (BBP0003)*, 2020

	0	1	2	3	4	5
<p>4. The government nominates or allows representatives from the tobacco industry (including state-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3)</p> <p><i>NB: The minimum score for this indicator is 1.</i></p>		1				
<ul style="list-style-type: none"> No such incidents were identified. 						
Tobacco related corporate social responsibility (CSR) activities						
<p>5. A. The government agencies or its officials endorse, support, form partnerships with or participate in so-called CSR activities organised by the tobacco industry. (Rec 6.2)</p> <p>B. The government agencies or its officials receive contributions (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)</p>				3		
<ul style="list-style-type: none"> In 2020, BAT lent the UK government equipment from its research and development laboratory for use in COVID-19 testing centres.¹⁶ BAT stated that it lent some of its analytical machinery to support the UK's COVID-19 testing programme, following a request from the UK government.¹⁷ During 2018-19, UK government departments/agencies (DEFRA, FCO, the Department for International Development (DFID), the Ministry of Defence (MOD), the National Crime Agency, the Royal Navy, the British Council, the Department for Digital Culture, Media and Sport (DCMS) and a number of British embassies) contributed financial support to the UK think tank the Royal United Services Institute (RUSI), which at the same time received financial contributions from organisations linked to the tobacco industry and tobacco companies (BAT, PMI).¹⁸ RUSI previously commissioned a study from KPMG, an accountancy firm with strong ties to the tobacco industry dating back decades. KPMG conducts analysis that is used by the industry to resist tobacco control legislation and has provided strategy advice to a tobacco company seeking to enhance its corporate reputation.¹⁹ This latest study repeats tobacco industry arguments around illicit trade.²⁰ RUSI stated on its website that "The bulk of RUSI's funding comes from research, RUSI also derives funding from its network of members".²¹ As of December 2020, the list of RUSI corporate members included both JTI and UK government departments/agencies.²² 						

¹⁶ BAT, [BAT makes progress on COVID-19 vaccine & provides community support](#), 2020

¹⁷ BAT, [News Release: Chairman's AGM Statement - 2020 outlook](#), 2020

¹⁸ RUSI, [supporters of RUSI](#), 2021

¹⁹ Tobacco Tactics, [KPMG](#), 2021

²⁰ Tobacco Tactics, [PMI-Impact](#), 2021

²¹ RUSI, [RUSI's funding](#), 2021

²² RUSI, [Corporate Members](#), 2021

	0	1	2	3	4	5
<ul style="list-style-type: none"> In September 2019, backbench Conservative MP Craig Mackinlay met the TMA.^{23,24} Interest was not declared as per the UK Parliament Sponsored Events Booking Data.²⁵ In February 2020, TMA tweeted about Mackinlay’s support in launching the “TMA Anti-Illicit Trade Survey 2019”.²⁶ Mackinlay has a history of interaction with the tobacco industry.²⁷ 						
Benefits to the tobacco industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law (e.g. 180 days is common for pictorial health warnings (PHWs), tax increase can be implemented within 1 month). (Rec 7.1)	0					
<ul style="list-style-type: none"> In May 2020, a ban on cigarettes with characterising flavours such as menthol was introduced.²⁸ This had a four year implementation period. This is three years longer than legislation banning other characterising flavours.²⁹ However, this derogation was decided on at an EU level and not by the UK government. 						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry. (Rec 7.3)			2			
<ul style="list-style-type: none"> The major tobacco companies continued to pay very low levels of corporation tax in the UK, although low levels of corporation tax payments are not unique to the tobacco industry.^{30,31} In the absence of clear rules ensuring no preferential tax exemption for the tobacco industry, an audit of HMRC conduct on this matter would be advisable for greater transparency. This recommendation has been flagged in the previous two UKTI reports and remains to be acted on by the government. In March 2020, the consultation on duty-free and tax-free products after Brexit, which included submissions from BAT, Imperial Brands, JTI, and PMI, extended the duty-free privileges of tobacco products, by maintaining the duty-free allowances of 200 cigarettes or 100 cigarillos or 50 cigars or 250g tobacco. However, as the result of the consultation a restriction was introduced on the duty-free allowance on the previously unregulated heated tobacco sticks. These are now included under the limit on cigarette sticks.³² (see answer to #2 for more details). 						

²³ A trade association representing BAT, JTI and Imperial Brands in the UK

²⁴ Tobacco Tactics, [Tobacco Manufacturers Association](#), 2021

²⁵ UK Parliament, [Events and function booking data, 01 August 2019 to 31 July 2020](#), 2020

²⁶ TMA, [Twitter](#), 2020

²⁷ Tobacco Tactics, [Craig Mackinlay](#), 2021

²⁸ Tobacco Tactics, [Menthol Cigarettes: Tobacco Industry Interests and Interference](#), 2021

²⁹ ASH, Media Advisory: [Ban on menthol flavoured cigarettes comes into force on 20 May 2020](#), 2020

³⁰ Branstor, J.R., & Gilmore, A. (2019). [The Failure of the UK to Tax Adequately Tobacco Company Profits](#), *Journal of Public Health*

³¹ Tax Justice Network [Ashes to Ashes: How British American Tobacco avoids taxes in low and middle income countries](#), April 2019, accessed May 2020

³² HM Treasury and HMRC, [A consultation on duty-free and tax-free goods carried by passengers](#), 2020

	0	1	2	3	4	5
<ul style="list-style-type: none"> In July 2020, the Department for Business, Energy and Industrial Strategy presented a policy paper and opened a consultation on the UK internal market.³³ Concerns were raised that the principles of mutual recognition and non-discrimination suggested in the paper could prevent the implementation of tobacco control policies because the paper allowed discrimination only in a “public health emergency” which might not extend to non-communicable diseases.³⁴ There were also concerns that these principles might risk diminishing the devolved nations’ powers to regulate products for public health reasons (e.g. that minimum unit pricing for tobacco would be caught by this legislation). This would mean either limiting the devolved nations’ powers to protect the consumer or expose the devolved governments to legal challenge from businesses operating elsewhere in UK. With the track record of the tobacco industry and its associated partners in interfering or undermining health policy, there were suggestions that the internal market bill allows a foothold for the tobacco industry. The government responded to the concerns that some measures would be excluded, stating “This applies to both emergency measures and those measures aimed at preventing the spread of disease on an ongoing basis” and also included “protection of the life or health of humans, animals or plants” as one of the legitimate objectives to protect and preserve the exercise of devolved powers.³⁵ The legislation was given royal assent in December 2020 and is now the UK Internal Act. However, there was no evidence of any tobacco industry lobbying on this issue. 						
Forms of unnecessary interaction						
8. Top-level government officials (such as president/prime minister or minister) meet with/foster relations with the tobacco companies such as attending social functions and other events sponsored or organised by the tobacco companies or those furthering its interests. (Rec 2.1)			2			
<p>A search of UK government websites and newspapers did not locate references to unnecessary meetings between top-level government officials and the tobacco industry. However, at the time of writing this report, parliamentary data on functions and hospitality covered only the period to 31 July 2020.^{36,37} The fact that not all meetings have been publicly detailed (see answer to #16) makes this hard to assess, and several instances of unnecessary interactions between more junior officials, and politicians from parties which are not in government, and the tobacco industry have been noted.</p>						

³³ Department for Business, Energy and Industrial Strategy, [UK Internal Market](#), 2020

³⁴ ASH Scotland, [Submission from ASH Scotland United Kingdom Internal Market Bill \(Legislative Consent Memorandum\)](#), 2020

³⁵ Department for Business, Energy and Industrial Strategy, [Government response to the consultation on the UK Internal Market](#), 2020

³⁶ UK Parliament, [Sponsored Events Booking Data](#), 2020

³⁷ UK Parliament, [Commons Catering events booking data](#), 2020

- In 2013, FCO issued guidelines to its staff stating that officials must not “engage with foreign governments on behalf of the tobacco industry, except in cases where local policies could be considered protectionist or discriminatory”.³⁸ However, in its response to Freedom of Information (FOI) requests about officials’ contact with tobacco companies, it confirmed two incidents of contact which may be inconsistent with this policy.³⁹ FCO stated that in Brazil “the Acting Ambassador spoke to an audience of UK companies at an online event organised by the British Chamber of Commerce in Brazil on December 7th 2020. British American Tobacco (BAT) Brazil were invited by the British Chamber and participated in the event”. FCO also stated that in Pakistan “UK High Commission staff attended a social event on 29th February 2020 held by Velo Pakistan, a brand of tobacco-free nicotine pouch which is a subsidiary of BAT. They were invited by the event coordinator and did not meet any Velo representatives at the event”.
- A *New Statesman* Media Group’s Virtual “CIO Symposium” on 18 November 2020 included the following speakers: London Chief Digital Officer Theo Blackwell, who was appointed as the Mayor of London’s first Chief Digital Officer in 2017; and PMI Chief Digital and Information Officer Michael Voegele, who gave a talk entitled “Disrupting a successful business model in ‘smoke free’ transformation”.⁴⁰
- In 2021, the tobacco industry-linked Scottish Grocers’ Federation, an organisation with links to the tobacco industry, in collaboration with *Holyrood* magazine, organised a roundtable discussion on the role of e-cigarettes in achieving a tobacco-free future. An article in *Holyrood* named five MSPs as contributors: Richard Lyle from the Scottish National Party (SNP); Donald Cameron, the Scottish Conservative health spokesman; Brian Whittle, the Scottish Conservative party’s public health spokesman; Richard Simpson, Shadow Public Health Minister for Scottish Labour; and Emma Harper from the SNP, the then deputy convener of the Health and Sport Committee in the Scottish Parliament, a committee whose role is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport including scrutiny of legislation.⁴¹
- In October–November 2020, Conservative backbench MP Helen Grant took part in an online gender equality conference⁴² held by the *Financial Times*⁴³ in partnership with PMI.⁴⁴

³⁸ United Kingdom’s revised guidelines for overseas posts on support to the tobacco industry, DHSC and FCO, UK Government website, December 2013, accessed April 2019

³⁹ FCO, [Freedom of Information Act 2000 - Request REF: FOI2021/01726](#), 2021

⁴⁰ Tech monitor, [Virtual CIO Symposium](#), 2020

⁴¹ Tobacco Tactics, [Scottish Grocers Federation](#), 2021

⁴² Financial Times, [Helen Grant](#), 2020

⁴³ Financial Times, [Accelerating Equality](#), 2020

⁴⁴ Nicholas S Hopkinson, [Nick Hopkinson: Tobacco industry collaborators sending equality up in smoke](#), 2020

	0	1	2	3	4	5
<ul style="list-style-type: none"> • A virtual <i>New Statement</i> event was run alongside the Labour Party Conference. PMI was a sponsor of the event. Alex Norris MP, Shadow Minister for Health and Social Care took part in a panel alongside Moira Gilchrist from PMI, and Mark Oates, Director of We Vape.⁴⁵ • The Scottish Parliament lobbying register shows that between December 2019 and February 2020, BAT UK lobbied four MSPs: Colin Beattie, Bill Bowman, Donald Cameron and Richard Lyle. The register shows that the declared purpose of lobbying was “To introduce British American Tobacco UK to the Member and outline the company’s position on UK and Scottish vape product regulations. The Member was briefed on the vape product category and the importance of the category to the Scottish independent retail sector. We asked the Member for his views on the proposals laid out by the Scottish Government to further restrict vape product advertising and promotion. It was discussed with the Member the available evidence and scientific research on vaping. We highlighted to the Member the public health views which suggests vape products are less harmful than smoking.”^{46,47,48,49} • In March 2021, business secretary Kwasi Kwarteng attended a meeting with companies including BAT to discuss business policy.⁵⁰ 						
<p>9. The government accepts assistance/offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors (including monetary contribution for these activities). (Rec 4.3)</p>	0					
<ul style="list-style-type: none"> • In November 2020, PMI was sanctioned under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 for not complying with packaging regulations. This also included failing to recover and recycle its waste materials. PMI paid £3438.11 to the UK charity Trees for Cities, and was required to pay costs including those of the Environment Agency.⁵¹ A senior officer at the Environment Agency said “Throughout the investigation and EU assessment process, Philip Morris has been extremely cooperative and forthcoming. Representatives of the company have been happy to engage with us and attended a face-to-face interview.”⁵² 						

⁴⁵ David Mackintosh, [Hope on the Fringe](#), 2020

⁴⁶ [The Scottish Parliament lobbying register](#), Richard Lyle, December 2019, accessed May 2021

⁴⁷ [The Scottish Parliament lobbying register](#), Donald Cameron, January 2020, accessed May 2021

⁴⁸ [The Scottish Parliament lobbying register](#), Colin Beattie, February 2020, accessed May 2021

⁴⁹ [The Scottish Parliament lobbying register](#), Bill Bowman, February 2020, accessed May 2021

⁵⁰ Department for Business, Energy and Industrial Strategy, [BEIS ministerial meetings, January to March 2021](#), July 2021

⁵¹ The Environmental Agency is an executive non-departmental public body, sponsored by DEFRA

⁵² Environment Agency, [Press release: London Hammersmith tobacco company overlooks packaging obligations](#), 2020

	0	1	2	3	4	5
<p>10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1)</p> <p><i>NB: This does not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i></p>		1				
<ul style="list-style-type: none"> • In July-August 2020, the UK government wrote to the major tobacco companies about smoking-related litter and signalled its intention to hold a roundtable discussion on this issue.⁵³ In September 2020, DEFRA held a meeting with tobacco companies, entitled “smoking related litter roundtable”.⁵⁴ Rebecca Pow, Parliamentary Under Secretary of State at DEFRA, stated at the beginning of the meeting that “this meeting will relate only to environmental policy and not public health policy and will follow the recommendations in the FCTC guidelines”. She further clarified that “at this meeting, we will not agree a partnership with the industry, including accepting any financial or educational contribution on behalf of the department; promote, or offer the tobacco industry any opportunity to promote themselves publicly through claims of social responsibility or similar; or give preferential treatment to the tobacco industry.” Both DHSC and ASH representatives were present at the meeting to ensure that no health policy was discussed. The minutes of the meeting were made public. • PMI has worked in partnership with Clean Up Britain, an anti-litter not-for-profit community interest company since 2019.⁵⁵ Clean Up Britain carried out research on the potential for PMI investment in portable ashtrays. It concluded that there is a “wonderful opportunity” for PMI to “create and capture the portable ashtray market”.⁵⁶ • In January 2021, PMI wrote a letter to the Housing, Communities and Local Government parliamentary committee confirming plans, following the roundtable discussion, to enter an agreement with Clean Up Britain to tackle cigarette butt litter.⁵⁷ A newspaper article⁵⁸ stated that a “12-month pilot programme starts in an unnamed city in the UK, and the initiative will then be scaled up across the country in subsequent years.” It added that “Under the scheme, funded by tobacco firm Philip Morris with a seven-figure sum, council enforcement officers who catch people littering cigarette ends and issue them with a fine of up to £150 will give them an option of watching a 90 second-video”. However, as of May 2021 there was nothing on Clean Up Britain’s website or PMI’s website about this pilot programme which was due to be launched in April.^{59,60} 						

⁵³ DEFRA, [Litter: letters to the tobacco industry](#), 2020

⁵⁴ DEFRA, [Correspondence: Smoking related litter roundtable meeting, 2 Sep 2020](#)

⁵⁵ PMI, [Littering prevention](#), 2019

⁵⁶ Clean Up Britain, [Portable Ashtrays Project in the UK: Report on the quantitative research January2020](#)

⁵⁷ Clean Up Britain, [letter to Clive Betts](#), 2021

⁵⁸ Christopher Hope, [Smokers who drop cigarette ends in street to be shown video revealing environmental impact](#), 2021

⁵⁹ [Clean Up Britain](#), 2021

⁶⁰ PMI, [Littering prevention](#), 2019

	0	1	2	3	4	5
<ul style="list-style-type: none"> On 31 March 2021 DEFRA and DHSC ministers announced that they are working collaboratively to explore the use of environmental legislation rather than a voluntary approach to make tobacco manufacturers clear up the toxic waste caused by cigarette butts.⁶¹ A consultation on this is underway.⁶² In September 2020, Clive Betts MP, Chair of the Housing, Communities and Local Government Select Committee, wrote to tobacco industry members requesting information on efforts to tackle cigarette and smoking-related litter. In reply, Imperial Brands highlighted that through its membership of the TMA, it collaborated with local authorities, including South Holland District Council, and provided financial and educational support to change consumer behaviour towards littering. Imperial Brands referred to its discussions with Keep Britain Tidy and DEFRA regarding the establishment of a “Smoking Related Litter Task Group” aimed at the prevention of cigarette littering. BAT highlighted a change in Keep Britain Tidy’s position as now willing to engage with BAT, having until relatively recently declined to work with the tobacco industry citing FCTC Article 5.3.⁶³ In September 2020, JTI announced a partnership with Keep Wales Tidy to tackle cigarette litter. It was reported that JTI would launch a campaign, in conjunction with Keep Wales Tidy, when local COVID-19 restrictions in South Wales have been lifted. The suggested campaign included testing the impact of positive messaging on smoking-related litter levels in Abertillery, Ebbw Vale and Tredegar.⁶⁴ In March 2021, Keep Wales Tidy launched the Caru Cymru campaign in partnership with local authorities across Wales. Caru Cymru includes a campaign to prevent and raise awareness of smoking litter in Blaenau Gwent (the local authority for Abertillery, Ebbw Vale and Tredegar areas). It was reported that Caru Cymru’s launch marked the start of projects created in conjunction with local authorities, Cardiff University’s behaviour change team and other partners. But it was not stated whether JTI was among these partners.⁶⁵ 						

Transparency

11. The government does not publicly disclose meetings/interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)	0					
<ul style="list-style-type: none"> No such incidents were identified. 						

⁶¹ DEFRA, [Government explores next steps to clean up tobacco litter in England](#), 2021

⁶² DEFRA, [Extended Producer Responsibility for Packaging](#), 2021

⁶³ Imperial Brands, [Cigarette and smoking related litter](#), 2020

⁶⁴ John Wood, [JTI launches two schemes designed to tackle problem of cigarette butt littering](#), 2020

⁶⁵ Lynne Thomas, [Launch of campaign to eradicate litter and waste across Wales](#), 2021

	0	1	2	3	4	5
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organisations, and individuals acting on their behalf including lobbyists. (Rec 5.3)					4	
<ul style="list-style-type: none"> • While the government implements Article 5.3 provisions, it does not set out comprehensive rules on full disclosure or registration of tobacco industry entities. • The 2011 government Tobacco Control Plan for England stated that “in the future, organisations engaging with the DHSC 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.”⁶⁶ DHSC confirmed to the authors of this report that when the government opens consultations that may involve tobacco industry input, a reference to Article 5.3 is included and respondents are formally asked to declare any ties with the tobacco industry. • However, there continues to be no requirement for the tobacco industry and affiliated entities to register with the government. A voluntary lobbying register has existed in the UK since 2011.⁶⁷ The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, which came into force on 1 April 2015, requires any person (corporate or natural) who carries out “the business of consultant lobbying” to be entered in the Register of Consultant Lobbyists.⁶⁸ The act requires the registration of only consultant (professional) lobbyists who are VAT registered.⁶⁹ • In February 2021, the UK media raised concerns over the UK government’s FOI process. They claim that the Clearing House has blocked FOI requests.⁷⁰ 						
Conflict of interest						
13. The government does not 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)					4	
<ul style="list-style-type: none"> • There are general rules regulating political contributions and the disclosure of such contributions. Donations worth over £7,500 to national political parties must be declared.⁷¹ However, there is no legislation specifically prohibiting the tobacco industry from donating to political parties, candidates or campaigns. In addition, it has been noted that several politicians who are senior government officials have a history of receiving money from the tobacco industry (see answer to #15 for more details). Although such payments are permitted under UK legislation, WHO FCTC Article 5.3 implementation guidelines state that “Payments, gifts and services, monetary or in-kind, and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest”. 						

⁶⁶ UK Government, [A Tobacco Control Plan for England](#), 2011

⁶⁷ UK Lobbying Register

⁶⁸ Office of the Registrar of Consultant Lobbyists

⁶⁹ UK Government, [Transparency of lobbying, non-party campaigning and trade union administration act 2014](#)

⁷⁰ BBC, [Newspapers concerned over government’s FOI process](#), 2021

⁷¹ [Donations and loans reported every quarter by political parties](#), the Electoral Commission website, accessed May 2020

	0	1	2	3	4	5
14. Retired senior government officials form part of the tobacco industry (former prime minister, minister, attorney general). (Rec 4.4)		1				
<ul style="list-style-type: none"> • Mark MacGregor, PMI’s corporate affairs director from 2016 to 2020, was previously chief executive of the Conservative Party from 2002-2003.⁷² 						
15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)			2			
<p>No current government officials have been identified as holding positions in the tobacco business. There are, however, several instances of past involvement, direct and indirect, of senior Conservative Party figures with the tobacco industry, including ministers selected for the UK Cabinet in 2019. These ties are significantly more extensive than those of previous Cabinets. However, no new ties have been revealed since this was reported in last year’s report.</p> <ul style="list-style-type: none"> • Boris Johnson, the prime minister since July 2019, received a £20,000 loan and £3,000 donation to his leadership campaign from CTF Partners (Crosby, Textor, Fullbrook), a company with long links and financial ties to the tobacco industry.⁷³ One of the company’s co-founders, Lynton Crosby, was at the centre of a controversy in 2013 over the government abandoning plain packaging. At that time he was an election advisor for the ruling Conservative Party.⁷⁴ • Crosby also helped Johnson with his London mayoral election campaigns in 2008 and 2012.^{75,76} Boris Johnson also received a payment for a speech of up to £10,000 from the Association of Tobacco in June 2007.⁷⁷ • Priti Patel, the current home secretary, was in 2000-2001 employed as a lobbyist by Weber Shandwick for its client BAT to help influence EU tobacco control regulation and improve its image in Burma.^{78,79} • Munira Mirza, head of the Number 10 Policy Unit, was co-founder of the Manifesto Club, an organisation which challenges the “hyper regulation of public spaces”. The Manifesto Club has produced reports in collaboration with the tobacco industry-funded front group FOREST.^{80,81,82,83} • Jacob Rees-Mogg, the leader of the House of Commons, was in 2014 reported to Parliament’s standards watchdog for potentially breaching the rules on declaring financial interests in the 						

⁷² Sarah Boseley, [Philip Morris drew up plan for £1bn tobacco transition fund](#), 2020

⁷³ T. Colson and A. Bienkov, [Bankers, climate change sceptics, and Brexiters: The donors funding Boris Johnson’s campaign for prime minister](#), Business Insider, 1 July 2019, accessed May 2020

⁷⁴ Tobacco Tactics, [Lynton Crosby](#), accessed May 2020

⁷⁵ Tobacco Tactics, [Crosby Textor Group](#), accessed May 2020

⁷⁶ Tobacco Tactics, [Lynton Crosby](#), accessed May 2020

⁷⁷ They Work for You, [Changes to the Register of Members’ Interests Boris Johnson](#), last updated 12 August 2019, accessed May 2020

⁷⁸ Jamie Doward, [Minister worked as spin doctor for tobacco giant that paid workers £15 a month](#), *the Observer*, 31 May 2015, accessed May 2020

⁷⁹ Tobacco Tactics, [Priti Patel](#), accessed May 2020

⁸⁰ Policy exchange, [Munira Mirza](#), accessed May 2020

⁸¹ Josie Appleton, [First They Came for the Smokers...](#), Spiked Online, 5 August 2019, accessed May 2020

⁸² Tobacco Tactics, [Manifesto Club](#), accessed May 2020

⁸³ Tobacco Tactics, [Forest](#), accessed May 2020

House of Commons. This was in relation to, amongst others, speaking in support of the tobacco industry in debates on the Finance Bill and against plain packaging, without declaring that he is a founder and director of a firm with investments in the tobacco industry.⁸⁴

- Matt Hancock, (Health Secretary until June 2021), received £32,000 in donations from IEA trustee Neil Record, before becoming Health Secretary.⁸⁵ The IEA has a well-documented history of close collaboration with the tobacco industry and has been a key front group in opposing tobacco control in the UK.⁸⁶ Hancock declined to confirm if he knew of the IEA's tobacco funding before he accepted the donation.⁸⁷
- Numerous other senior politicians in post in 2019, including Cabinet members, have previously spoken at events organised by, or received hospitality from, tobacco companies or think tanks (most notably the IEA) funded by the tobacco industry and promoting tobacco industry positions. These included Kwasi Kwarteng (Minister of State in the Department for Business, Energy and Industrial Strategy), Robert Buckland (Lord Chancellor and Secretary of State for Justice), Alun Cairns (Secretary of State for Wales until December 2019), Simon Hart (Secretary of State for Wales since December 2019) and Liz Truss (Minister for International Trade).^{88,89,90,91,92,93,94,95,96,97}

⁸⁴ J. Merrick, [Leading Tory backbench MP Jacob Rees-Mogg 'failed to declare interests'](#), the *Independent*, 14 December 2014, accessed May 2020

⁸⁵ J. Gornall, [Big Tobacco, the New Politics, and the Threat to Public Health](#), *British Medical Journal*, 15 May 2019, accessed May 2020

⁸⁶ Tobacco Tactics, [Institute of Economic Affairs](#)

⁸⁷ J. Gornall, [Big Tobacco, the new politics, and the threat to public health](#), *British Medical Journal*, 15 May 2019, accessed May 2020

⁸⁸ D. Sabbagh, [Sajid Javid: combative capitalist and courtier of US neocons](#), the *Guardian*, 4 May 2018, accessed May 2020

⁸⁹ Lisa O'Carroll, [IEA's Brexit Proposals: the Main Points](#), the *Guardian*, 24 September 2018, accessed May 2020

⁹⁰ M. Townsend and R. Evans, [Watchdog Slams IEA over Pro-Brexit Report Backed by Jacob Rees-Mogg](#), *The Guardian*, 1 December 2018, accessed May 2020

⁹¹ Tobacco Tactics, [Therese Coffey](#), accessed May 2020

⁹² [Transparency data, Ministerial hospitality](#), October to December 2018, UK government website, accessed May 2020

⁹³ Robert Buckland, [Register of Members' Financial Interests](#), 23 November 2016, accessed May 2020

⁹⁴ Tobacco Tactics, [Alun Cairns](#), accessed May 2020

⁹⁵ [Free Enterprise Group](#), undated, accessed May 2020

⁹⁶ M. Savage, [New trade minister Liz Truss had private talks in US with libertarian groups](#), the *Observer*, 4 August 2019, accessed May 2020

⁹⁷ W. Hayward, [Who bankrolls your MP's election campaigns? The donations, extra income and free trips Wales' 40 MPs receive](#), WalesOnline, 13 September 2020, accessed September 2020

Preventive measures						
<p>16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)</p>			2			
<p>The UK government has stated a commitment to, and put in place policies for, disclosing the records of interaction with the tobacco industry. However, apart from the health departments, such policies have been implemented only partially in 2020.</p> <p>• Policies:</p> <ul style="list-style-type: none"> - The 2011 government Tobacco Control Plan for England stated that, to “ensure further transparency, the Government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments” (with exceptions made for meetings discussing operational matters to reduce illicit tobacco trade and bilateral meetings between tobacco manufacturers and HMRC).⁹⁸ - In 2016, then updated in 2018, PHE issued a protocol for engagement with tobacco and nicotine producers: “Protocol for engagement with stakeholders with links to the tobacco industry”. The protocol states that “Face-to-face meetings with stakeholders on policy issues related to the regulation of nicotine products should be as transparent as practicably possible”.⁹⁹ - In 2017, the Tobacco Control Plan for England committed to the continued publication of information on all meetings with the tobacco industry, and in its Delivery Plan, a commitment was made to “routinely liaise with DH[SC] and cross-government officials to publish meetings with industry”.¹⁰¹ - The 2019 HMRC guidance document on responsibilities for interacting with the tobacco industry stated that “In the event interactions are required, these should be conducted with maximum transparency to demonstrate compliance with the FCTC.”¹⁰² <p>• Examples of full implementation:</p> <ul style="list-style-type: none"> - PHE publishes all minutes of meetings with stakeholders who have links to the tobacco and nicotine industries.¹⁰³ - DHSC regularly publishes details of meetings between special advisers and senior media figures. It also includes details of gifts and hospitality received by special advisers.¹⁰⁴ - DEFRA has published minutes of meetings with tobacco industry.¹⁰⁵ 						

⁹⁸ UK Government, [Healthy Lives, healthy people: A tobacco control plan for England](#), UK government website, March 2011, accessed May 2020

⁹⁹ PHE, [Protocol for engagement with stakeholders with links to the tobacco industry](#), 2016, accessed May 2020

¹⁰⁰ DHSC, [Towards a smokefree generation: A tobacco control plan for England](#), UK government website, July 2017, accessed May 2020

¹⁰¹ DHSC, [Tobacco Control Plan Delivery Plan 2017–2022](#), UK government website, June 2018, accessed May 2020

¹⁰² HMRC, [The Tobacco Industry and HMRC Article 5.3: the Framework Convention on Tobacco Control \(FCTC\)](#), 2019, accessed May 2020

¹⁰³ PHE, [Minutes of meetings held and copies of correspondence published under Article 5.3 protocol, October 2019](#), accessed May 2020

¹⁰⁴ DHSC, [DHSC: special advisers' gifts, hospitality and meetings](#), March 2020, accessed May 2020

¹⁰⁵ DEFRA, [Correspondence: Smoking related litter roundtable meeting, 2 Sep 2020](#)

	0	1	2	3	4	5
<ul style="list-style-type: none"> • Examples of partial implementation: <ul style="list-style-type: none"> - HMRC regularly publishes notices of its officials’ meetings with tobacco stakeholders, although, due to its duty of confidentiality,¹⁰⁶ the data include very little detail on the meetings beyond the general topic of discussion.¹⁰⁷ (see answer to #1). - In November 2019, HMRC published a guidance document on HMRC’s responsibilities for interacting with the tobacco industry under WHO FCTC Article 5.3. Although the document advises that any interaction with the tobacco industry on matters related to tobacco control should be accountable and transparent, it stipulates that this “excludes meetings held for customer compliance issues and operational meetings on illicit tobacco”.¹⁰⁸ - The Treasury published a list of its officials’ meetings and topics of discussion with the tobacco industry until March 2013 but appears not to have released similar data since.¹⁰⁹ Instead it publishes a list of all ministers’ meetings with external organisations.¹¹⁰ - At the time of writing this report, parliamentary data on functions and hospitality covered only the period to 31 July 2020. • For other government departments and agencies, information on meetings with the tobacco industry and its representatives is not readily available online. 						
<p>17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry.</p>				3		
<ul style="list-style-type: none"> • Some departments adopted guidance for dealing with the tobacco industry. However, no comprehensive set of rules exists for public officials within the UK on regulating their interaction with the tobacco industry. <ul style="list-style-type: none"> - A detailed code of conduct, issued by DHSC and FCO, exists for overseas civil servants dealing with the tobacco industry, emphasising the need for transparency and limiting what support should be given to the tobacco industry by UK posts.¹¹¹ 						

¹⁰⁶ HMRC, [HMRC Internal Manual: Information Disclosure Guide](#), UK government website, 19 August 2020, accessed August 2020

¹⁰⁷ HMRC, [HM Revenue and Customs officials’ meetings with tobacco stakeholders](#), UK government website, 23 January 2020, accessed May 2020

¹⁰⁸ HMRC, [The Tobacco Industry and HMRC Article 5.3: the Framework Convention on Tobacco Control \(FCTC\)](#), 2019

¹⁰⁹ HM Treasury, [Treasury officials’ meetings with tobacco stakeholders](#), UK government website, 19 April 2013, accessed May 2020

¹¹⁰ HM Treasury, [Ministers’ meetings](#), UK government website, February 2020, accessed May 2020

¹¹¹ DHSC and FCO, [United Kingdom’s revised guidelines for overseas posts on support to the tobacco industry](#), UK government website, December 2013, accessed May 2020

	0	1	2	3	4	5
<ul style="list-style-type: none"> - DHSC, in its 2017 Tobacco Control Plan for England, formulates the need to limit “direct contact with the tobacco industry to that necessary to discuss the implementation of regulatory provisions or operational matters”, and encourages tobacco companies to engage with government in writing rather than face to face.¹¹² - The PHE 2016 protocol for engagement with stakeholders with links to the tobacco industry stipulates that meetings with stakeholders on tobacco policy issues should be in writing with a previously prepared agenda, and states that “PHE employees in an official capacity should not attend or speak at conferences that are organised entirely or largely by the tobacco industry or those with links to the tobacco industry other than to enable effective communication of regulation in accordance with FCTC Guidelines on Article 5.3 Recommendation 2.1.”¹¹³ • The 2019 HMRC guidance document on responsibilities for interacting with the tobacco industry details HMRC responsibilities under WHO FCTC Article 5.3 and divides scenarios of interaction into green, red and amber with examples.¹¹⁴ 						
<p>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, political contributions and all other activities. (Rec 5.2)</p>			2			
<ul style="list-style-type: none"> • The UK government requirements focus on the tobacco industry obligation to report in detail the data on ingredients and emissions of tobacco products.¹¹⁵ The EU Tobacco Products Directive (TPD) of 2016 imposed further reporting requirements on the tobacco industry in those areas.¹¹⁶ HMRC and DHSC also collect data from tobacco manufacturers on profits, taxes paid, and product prices. • However, unlike the data on emissions and ingredients, the government is not allowed to publish the sales and marketing data. Pressure has been exerted by civil society organisations and charities, including ASH, to increase transparency in this regard. In April 2019, a bill was introduced to Parliament by a backbench MP requiring that these data be made public. However, the bill failed to complete its passage through Parliament before the end of the session.¹¹⁹ 						

¹¹² DHSC, [Healthy Lives, healthy people: A tobacco control plan for England](#), UK government website, July 2017, accessed May 2020

¹¹³ PHE, [Protocol for engagement with stakeholders with links to the tobacco industry](#), 2016, accessed May 2020

¹¹⁴ HMRC, [The Tobacco Industry and HMRC Article 5.3: the Framework Convention on Tobacco Control \(FCTC\)](#), 2019, accessed May 2020

¹¹⁵ [Explanatory memorandum to the Tobacco and Related Products regulations 2016](#), UK legislation website, accessed May 2020

¹¹⁶ ASH, [Tobacco Products Regulation](#), ASH website, accessed May 2020

¹¹⁷ [Consumer Protection: The Tobacco and Related Products Regulations 2016](#), UK legislation website, accessed May 2020

¹¹⁸ ASH, [Tobacco Companies Transparency Bill](#), ASH website, 26 April 2019, accessed May 2020

	0	1	2	3	4	5
19. The government has a program/system/plan to consistently ¹²⁰ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)			2			
<ul style="list-style-type: none"> • In England’s 2017 Tobacco Control Plan Delivery Plan 2017–2022 report, DHSC committed to issuing active reminders in the delivery of the work programmes to limit contact with the tobacco industry.¹²¹ However, no information was found detailing a comprehensive or systematic strategy for raising awareness on this issue. • In February 2019, the APPG on Smoking and Health recommended that DHSC “should provide all parts of Government [...] with advice on their responsibilities to protect public health policy from the commercial and vested interests of the tobacco industry based on the WHO FCTC Article 5.3 guidelines”.¹²² • In March 2020, the Health Minister, when asked about the PMI proposal to set up a £1 billion smoking cessation fund in the UK, put on the record in Parliament that the government remains “fully committed to the convention and, importantly, to article 5.3 [...]”. He also assured that he writes “to NHS trusts and local authorities to remind them of their obligations under article 5.3 to protect public health interests from tobacco industry interference”.¹²³ • In March 2020, the Parliamentary Under-Secretary of State for Health and Social Care reiterated the UK’s commitment to FCTC, saying “we will remain fully committed to the convention and, importantly, to article 5.3 during the transition period and beyond. I can assure him, as my predecessor did, that we write to NHS trusts and local authorities to remind them of their obligations under article 5.3 to protect public health interests from tobacco industry interference.”¹²⁴ 						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (Rec 3.4)			2			
<ul style="list-style-type: none"> • No specific policy to disallow contributions from the tobacco industry exists. However, such interactions are governed by the UK’s broader anti-corruption regulation.¹²⁵ 						
TOTAL	32					

Report Edition	Score
First	26
Second	32
Third	32

¹¹⁹ [Tobacco Companies \(Transparency\) Bill 2017-2019](#), UK parliament website, accessed April 2020

¹²⁰ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

¹²¹ DHSC, [Tobacco Control Plan Delivery Plan 2017-2022](#), UK government website, June 2018, accessed May 2020

¹²² APPG on Smoking and Health, [Delivering the vision of a ‘Smokefree Generation’](#), ASH website, February 2019, accessed May 2020

¹²³ House of Commons official report of [Parliamentary Debates Thursday 5 March 2020](#), Vol 672, no. 35

¹²⁴ UK Parliament, [WHO Framework Convention on Tobacco Control](#), 2020

¹²⁵ UK government, [United Kingdom Anti-Corruption Strategy 2017-2022](#), UK government website, December 2017, accessed May 2020

