



Highlights of THE OBSERVATORY ON TOBACCO INDUSTRY STRATEGIES

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Highlights 7

International Protocol to combat the illegal tobacco market will start operating

The Secretariat of the WHO Framework Convention on Tobacco Control WHO FCTC has reached the necessary number of Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol).

This achievement is a milestone in the history of tobacco control, as the Protocol contains a full range of measures to combat illicit trade distributed in three categories: preventing illicit trade, promoting law enforcement and providing the legal basis for international cooperation.

Today's fulfilment of the legal requirements for its entry into force, will allow the Parties to hold the First session of the Meeting of the Parties to the Protocol (MOP1) in Geneva, Switzerland, from 8 to 10 October 2018 following the Eighth Conference of the Parties (COP8) of the WHO FCTC. It is estimated that one in every 10 cigarettes and tobacco products consumed globally is illicit.

Source: <http://www.who.int/fctc/mediacentre/press-release/protocol-entering-into-force/en/>

Even after the Supreme Court's decision, flavored cigarettes follow the sale

Four months after the Brazilian Supreme Court's maintained the Anvisa rule prohibiting the production and sale of the flavored cigarette, about 90% of the brands of these products follow the sale by judicial determination. This is because the decision has no binding character, that is, companies resort to other instances in order to obtain sales permission. In practice, of 157 brands of cigarettes that used prohibited attractions, 141 are protected by injunctions, that is, 90%. Similar action occurs with other tobacco-derived products that also use additives such as narguile/hookahs and cigars; of 225 marks, at least 68 have injunctions.

Source: Folha de SP (14/6/2018)

Cigarette maker suspected of defrauding approximately 16 million dollars in taxes

The cigarette maker Souza Cruz is suspected to interfere in sales of products from the state of Minas Gerais to 19.000 retailers of São Paulo with the objective of escaping the rate increase in the state of São Paulo (ICMS, Brazilian tax on the movement of goods and services, went from 25% to 32%) and benefit tax benefits obtained in Minas Gerais territory.

São Paulo Secretariat of Finance suspects that the irregularities would be made to mask the commercialization of items that, in fact, occurred in the company's own distribution centers in São Paulo. The logistics difficulties and the high cost that this type of distribution would generate between the states corroborate the thesis. The company's tax fraud can reach approximately 16 million dollars.

Source: *Folha de SP* (18/6/2018)

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WTO confirms the legality of plain packaging established in Australia

The World Trade Organization (WTO) has confirmed the right of Australia to require that cigarettes be sold in plain packaging without any logo, which can lead to a breakthrough in implementation of Article 11 of the WHO-FCTC.

A long list of countries, including Belgium, Canada, Colombia, India, Panama, Malaysia, Turkey and Singapore, is considering this measure in its regulatory policies. France, Hungary, Ireland, New Zealand, Norway, Slovenia and the Kingdom United already approved it.

In Brazil, the Law Project 769/2015, from Senator José Serra, who demand the implementation of the Plain Packaging in the country, is being analyzed by the Committee on Transparency, Governance, Supervision and Control and Consumer Protection.

The Law Project received a favorable opinion from the rapporteur, Senator Cristovam Buarque, and is opposed by Senators Ana Amélia Lemos and Ivo Kassol, who requested a public hearing in the same Commission to discuss have the theme.

Source: www.bloomberg.com/news/articles/2018-06-28/wto-tobacco-ruling-opens-door-to-new-plain-packaging-laws

This document was produced with the financial support of Vital Strategies, managed by the International Union against Tuberculosis and Lung Diseases (The Union) and Funded by Bloomberg Philanthropies. The content this document is the sole responsibility of the authors and, under no circumstance, can be considered as reflecting the positions of Vital Strategies, The Union or donos.



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