



Mr Morgan Lee
Itmac

10 May 2019

Mr. Steven Fadian
Government Reform Unit
Department of Public Expenditure and Reform
7-9 Merrion Row
Dublin 2

Dear Mr Fadian,

Itmac represents the views of the tobacco sector (Japan Tobacco International, British American Tobacco & Imperial Tobacco) in Ireland when communicating with the Government, the authorities and others on issues which affect the industry as a whole, such as taxation, smuggling, responsible retailing and other issues as they arise. Itmac has been registered on the SIPO lobbying register since 14 January, 2016 and provide our comments below on the "Second Review of Lobbying Legislation" on that basis. We would be grateful if these comments could be taken into consideration with respect to the Department of Public Expenditure & Reform's review of the operation of the Regulation of Lobbying Act 2015.

We note that, in its introduction, the Consultation Paper states that "*the purpose of this Act was to establish a web-based register of lobbying activity and to deliver appropriate transparency on "who is contacting whom about what".*" From our understanding, this makes it clear that the aim of Regulation of Lobbying Act is to ensure that any interest in Irish society is represented fairly and transparently. In no section of the Regulation is there a suggestion that specific sectors should be excluded from this general premise.

Notwithstanding the objectives of the Lobbying Act 2015, this general premise is not always applied to companies in Ireland that sell Irish duty paid tobacco products to the retail sector, despite being legitimate actors in the Irish business context, complying with all laws and regulations imposed on the sector, not least the Lobbying Act 2015. This is particularly true for interactions with the Department of Health and its Designated Public Officials, who consistently refuse to meet with our representatives, citing Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC).

Itmac is an industry body and has no role in the manufacture, purchase, marketing or pricing of tobacco products.



This despite the fact it is the Department of Health that is responsible for the implementation of the Tobacco Products Directive and as such is effectively the tobacco sector regulator. This refusal to meet is at odds with the abovementioned general premise of the 2015 Lobbying Act.

As detailed above, Article 5.3 of the FCTC sets down guidelines for State bodies setting and implementing their public health policies with respect to tobacco control. Article 5.3 does not prohibit interactions with the tobacco industry but instead calls for any interaction to be fully transparent.

Based on the above, it is our view that a correct implementation of the Regulation of Lobbying Act 2015, which also complies with the requirements of FCTC Article 5.3 should apply in terms of the interaction between the sector and any Designated Public Officials (DPOs), including those in the Department of Health. This means that any interactions or meetings between Itmac and DPOs are accurately reported by Itmac on the Lobbying Register with details of any and all topics discussed. This is what Itmac and its members are already doing on an ongoing basis in interactions with other DPOs outside of the Department of Health

Itmac believes that the current refusal of certain DPOs to meet with representatives of the tobacco companies on the basis of Article 5.3, violates the spirit of the Regulation of Lobbying Act. Repeated refusals to engage with our sector has led to certain pieces of legislation requiring amendments in the past as officials did not have a full view from different perspectives of the implications of certain legislation.

Itmac believes that under the Regulation of Lobbying Act 2015 and Article 5.3 of the WHO Framework Convention on Tobacco Control, officials should engage directly with representatives of the tobacco industry as they do with any other groups, parties and individuals, while all parties involved ensure this engagement is performed in a transparent way in accordance with the Lobbying Act.

Your sincerely,

A handwritten signature in black ink, appearing to read "Morgan Lee".

Morgan Lee

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Chairman

Itmac

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