



Japan Society for Tobacco Control

日本禁煙学会

<http://www.jstc.or.jp/> E-mail desk@nosmoke55.jp
〒162-0063 東京都新宿区市谷薬王寺町 30-5-201
Tel 03-5360-8233 FAX 03-5360-6736

JAPAN: Tobacco Industry Interference Index 2017/8

日本におけるタバコ産業の干渉指数、ASEAN諸国との比較

一般社団法人 日本禁煙学会 理事長 作田 学
オーストラリア対がん協会 Mary Assunta

翻訳にあたって：原文の脚注と表中の干渉指数決定に関するクライテリアは省略した。参考のため東南アジア9か国の指数を文末に提示した。タバコ産業にとって日本は「もっとも活動しやすい国」のひとつである。必要な場合は原文を参照されたい。原文→ <https://yahoo.jp/box/7rCXyV>

(2017年8月 松崎道幸・訳)

【要約】

日本は、タバコ規制枠組み条約（FCTC）第5条3項ガイドラインが実施を義務付けている諸対策の取り組みについて、すべての点において大きく遅れている。

日本のタバコ産業干渉指数 = 90

(干渉度が高いほど数字が大きくなる。分子=日本の指数/分母=干渉度最大時の指数)

- (1) タバコ規制対策策定に対するタバコ産業の介入：20/20
「たばこ事業法」に基づくJT、政府（JT株33%の保有を通じて）、国会議員の強力な連携により、JTによるタバコ税引き上げや、受動喫煙防止法令の制定を妨害する政策介入活動が可能となっている。
- (2) 企業の社会的責任活動（CSR）：5/5
JTはスポーツ大会あるいは文化的イベントの後援等の数多くのCSR活動を行っている。「たばこと塩の博物館」の所有主には日本政府も含まれる。
- (3) タバコ産業への便益供与：10/10
タバコの広告宣伝・スポンサー活動を禁止しない、喫煙抑止効果のない警告文のパッケージ表示にとどめる、パブリックスペースの喫煙を法律で禁止しないことなどはすべてタバコ産業への便益供与にあたる。日本政府は、FCTCにより実施が義務付けられたこれらの対策を講じておらず、タバコ産業は、それにより利益を受けている。
- (4) タバコ産業と不必要な関係を持つ：9/15
JTは自民党および財務大臣（副総理でもある）と密接なつながりを持っている。この財務大臣には、喫煙が健康を損なうことに疑問を呈した前歴がある。
- (5) 透明性：8/10
政府の高官、閣僚とJTの幹部による会合は公表されない。日本で営業するPMIやBAT社員あるいは顧問弁護士、コンサルタントの名簿が作られていない。
- (6) 利益相反：15/15
政治活動に対するタバコ産業からの利益供与が禁止されていない。高級官僚が退職後JTに天下りし重役となっている。
- (7) 干渉予防措置：23/25

タバコ産業及びその代理人と政府関係者の接触記録を開示する仕組みがない。政府はタバコ産業との接触あるいは会合に当たって守るべき公務員の服務規律を策定していない。関係各省庁に対してFCTC第5条3項ガイドラインを実施するように政府がどのように働きかけているかについての公式記録が作られていない。

● 分野別所見 ●

INDICATORS	0	1	2	3	4	5
(1) タバコ規制対策決定過程へのタバコ産業の介入度						
1. 政府が、タバコ規制対策の策定と実施について、タバコ産業の助けあるいは協力の受け入れを容認、支持、推奨している						5
<ul style="list-style-type: none"> ● JTの2016年度年報によれば、JTは、日本および他国政府と協力してタバコ製品の不正取引問題の解決に取り組むが、「タバコ税の大幅引き上げが、不正取引問題解決に必ずしも有効でないことを関係当局に認識させる努力を行っている」と述べている。日本では、最近数年間タバコ税の引き上げが行われていない ● JTの「加熱式タバコ」の税率は、PMやBATよりもずっと低くなっている。JT「プルームテック」15%、BAT「GLO」36%、PM「アイコス」50%（財務省データ） ● FCTC第8条によって義務付けられた屋内のパブリックプレイス100%禁煙化が実施されていない。「タバコ白書」によれば、受動喫煙を防止する法律的対策は、この15年間前進していない。2016年の厚労省の推計では、日本で毎年1万5千人が受動喫煙により死亡している。JTは、「スモーキング・マナー」キャンペーンを繰り広げることによって、受動喫煙禁止対策を効果的に阻止してきた 						
2. 政府が、タバコ産業の意見や提案を取り入れながら、タバコ規制のための対策あるいは法令を作ることを、容認、支持、推奨している。						5
<ul style="list-style-type: none"> ● タバコ会社の利益を守ることを目的としている「たばこ事業法」がタバコの宣伝を規制するかもしれないかの法的権限をつかさどっているため、タバコの宣伝販売促進活動は法律的に禁止されていない。JTの「グローバル・マーケティング規範」に基づく自主規制が行われているだけである ● JTは、「たばこ事業法とその関連法規ならびに自主規制措置が、タバコの広告とパッケージにタバコ製品の消費と健康の関連についての注意を表示するなど日本におけるタバコ製品の宣伝販売促進活動の規制として機能している」と述べている ● 「たばこ事業法」は、JTに対して、毎年タバコ耕作者と、品種ごとの作付面積、品種と等級ごとの買い入れ価格に関する契約を行うことを義務付けている。JTの提案に基づいて葉タバコ価格決まる—2016年11月、葉たばこ審議会は、JTの提案に基づいて2017年度国内葉たばこの面積と価格を決定した ● 厚労省は、学校、病院、政府施設、バー、レストランにおける喫煙を規制する法案を提出したが、与党内の支持が得られなかった。日本政府はJT株の33%を保有している 						
3. 政府が、審議会、多部門委員会、諮問委員会などへのタバコ産業の参加を容認あるいは招請している。						5
<ul style="list-style-type: none"> ● 政府がJTの株を保有しており、財務省にはたばこ塩事業室があるため、JTの利益を損なわないように公衆保健政策が決められる ● 2016年2月、財務省がタバコ産業に有害警告表示の強化を勧告する意向を示した。財務省の諮問委員会は、5、6月までにタバコ産業および専門家から意見を募り、警告表示問題について報告書を提出することになった。財務省は、報告書の提出を受けて、2016年に必要な法改正を行う予定だった。しかし諮問委員会からの報告書は提出されなかった。医療分野の代表委員2名が、有害警告表示の抜本的強化を主張したが、彼らの意見は採用されず、委員は辞任した。今年、タバコ産業サイドの人物が委員会入りした。タバコパッケージの有害警告表示は、文字だけでなく、文字面積は30%に満たない。表示枠を入れてからうじて30%となっている 						
4. 政府が、タバコ産業あるいはその関連団体の代表者をFCTC締約国会議出席者として指名、あるいは出席を容認。あるいは、タバコ産業あるいはその関連団体が出席費用を支弁することを容認している。						5
<ul style="list-style-type: none"> ● たばこ塩事業室の人物がすべての締約国会議に出席している。財務省たばこ塩事業室次長高木氏 						

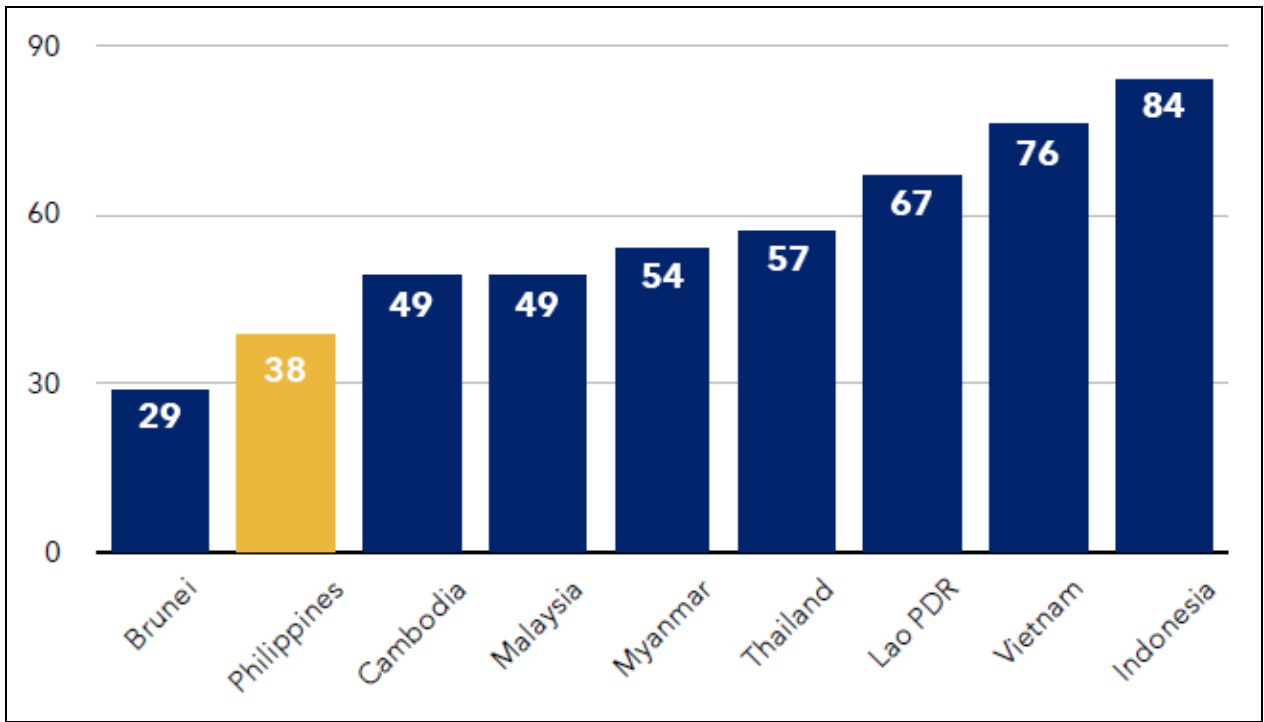
INDICATORS	0	1	2	3	4	5
は第5、第7回締約国会議に、同佐久間次長が第6回締約国会議に、同高橋次長が第4回締約国会議に出席。						
(2) いわゆるCSR活動						
5. A 政府機関あるいはその職員がタバコ産業のいわゆるCSR活動を推奨、支持、協力関係を作る、あるいはその活動に参加している。 B 政府（その機関および職員）がタバコ産業から寄付（金銭など）を受け取っているかどうか。（企業の社会貢献資金を含む）						5
<ul style="list-style-type: none"> ● JT生命誌研究館は政府の承認を受けており、大阪大学と提携関係を持っている ● タバコと塩の博物館は日本政府の承認を受けている ● JT奨学金 ● JTバレーボールチーム。毎年日本でバレーボール・ワールドカップを開催している ● JT日本チェス・チャンピオンシップ開催 ● ゴルフJTカップ開催 ● アフィニス文化財団は政府の承認を受けている。JTアートホール・アフィニス運営 ● JTの森事業。国内に8か所。グリーン・バードが吸い殻拾い活動 ● JTの物流事業は国土交通省のエコレールマークに認定されている 						
(3) タバコ産業への利益供与						
6. 政府がタバコ規制法令の実施を遅らせてほしい旨のタバコ産業からの要請を受け入れている。（例：増税の猶予期間は1か月だが、画像による有害警告表示実施には180日の猶予が与えられる）						5
<ul style="list-style-type: none"> ● 日本政府はタバコの宣伝販売促進活動、スポンサー活動を禁止しておらず、業界の自主規制に任せている。日本の屋内施設の多くは禁煙でない。タバコ白書は15年間新版が発行されなかった。JTIは多くの国に対する輸出タバコには画像による有害警告表示を行っているが、国内では文字表示のみであり、文の内容も長年改定されていない。 						
7. 政府がタバコ産業に、特権、報奨、免責あるいは利益を供与している						5
<ul style="list-style-type: none"> ● 「たばこ事業法」の存在こそ、日本政府がタバコ産業とその利益を守る立場にあることを証明している。株式の33%を政府が保有していることは、政府がJTのもうけを増やす政策を進める刺激剤となっている。 ● 財務省は、葉タバコの買入れ価格を値下げせず、キロ当たり1887円57銭に固定し、収穫された全量の買入れを続けている。（2016年JTホームページ） ● ジャパンタイムズは「日本の紙巻きタバコ小売価格は、消費が急に減らないように政府の力で、諸外国に比べて低く抑えられている。タバコ産業関係者によれば、日本は他国と違って、政府がタバコ小売価格を決定し、企業が自由に製品価格を決めることのできない特異な国となっており、税収を確保するという視点でタバコ製品の需給をコントロールしている」と報道している 						
(4) タバコ産業と不必要な関係を持つ						
8. 官邸の最高レベル（首相または閣僚など）が、タバコ会社が主催もしくは後援する社交などのイベントへの参加などを通じて、タバコ産業と会合し、またはつながりを深めている。				3		
<ul style="list-style-type: none"> ● JTは（今副総理でもある）財務大臣という最高の支援者を持っている。彼は、以前から受動喫煙防止法に反対してきた。彼はタバコが健康に悪いということにも疑問を呈している。彼も所属する自民党の国会議員の7割近く（280名）が受動喫煙防止法に反対する「たばこ議員連盟」に加入している（エコノミスト Hp） 						
9. 政府が、タバコの不正取引・密輸に対する強制捜査あるいは、受動喫煙防止法の実施、未成年喫煙防止運動について、タバコ産業からの金銭供与などの協力の申し出を受け入れている。			2			
<ul style="list-style-type: none"> ● JTのサイト：「JTは日本を含む各国政府と協力してタバコの不正取引をなくすために活動を続ける」。 						
10. 政府がタバコ産業との協力を進める取り決めを結ぶ、または支持、推進している。						4
<ul style="list-style-type: none"> ● 財務省の一部局としてたばこ塩事業室が設置されている。JTとの協力窓口は常に開かれている。 						

INDICATORS	0	1	2	3	4	5
<ul style="list-style-type: none"> ● 禁煙区域での喫煙を罰する法律がない。JTはマナーキャンペーンを行っている ● JTのウェブサイト：「たばこを吸われる方にとっても吸われない方にとっても、快適で、双方が共存できる環境。たばこを吸われる方にとっても吸われない方にとっても、さまざまな選択肢が揃っていて、それらを自由に選べる環境。分煙には、さまざまなカタチがあります。喫煙スペースを設置する、喫煙エリアと非喫煙エリアを分ける、壁で仕切る—これら一つひとつは、もちろん、有効な分煙手法です。ただ、分煙のカタチを一つに決めてしまうのではなく、吸われる方にとっても、吸われない方にとっても、さまざまな選択肢が揃っていること、そしてそれらを自由に選べる環境であること、それがより良い「分煙社会」であると考えています。JTでは、これまで培ったノウハウを生かし、かつ法令や条例を遵守しながら、たばこを吸われる方・吸われない方の双方を考慮した空間造り、そして双方が協調して共存できる社会の実現に取り組んでいます」 (https://www.jti.co.jp/tobacco/bunen/index.html) ● 日本政府はJT株の33%を保有しているため、JT製品の販売促進窓口である「タバコと塩の博物館」の所有者でもある。この施設は、2015年に改装されて、定期的な展覧会を開催し、子どもも入場できる。(訳者注：高校生以下は50円で入場できる) 						
(5) 透明性						
11. 政府がタバコ規制対策を立案する際、タバコ産業との意見交換が不可欠な場合に、そのための会合や意見交換の内容を公表していない。				3		
<ul style="list-style-type: none"> ● 財務省が受け取るJT株の配当は毎年700億円以上である。この収入は財政投融資資金に繰り入れられる。財務省によれば、この資金は民間企業が行うにはリスクが大きすぎる事業に投資される ● ロイター通信は、安倍内閣のタバコ産業派の閣僚の動向をタバコ産業の内部資料を用いて明らかにした。例えば、安倍内閣の閣僚とJTの複数の会合は公表されていないこと、日本を含む各国の政府高官を招いたタバコ税に関する会合をCOP6に対抗して開催するなどである(訳者注：2016年の日本禁煙学会総会におけるジュディス・マッケイ氏の講演スライドNo31は「(マーガレット・チャン博士、WHO事務総長)の発言を引用：つい最近、まことに厚かましいことだが、タバコ産業は、タバコ規制活動のための核心的な討議(COP6)にぶつけて、自らの主張を声高に宣伝し始めました。昨日、タバコ産業が理事をつとめるInternational Tax and Investment Centre (ITIC) (国際税金と投資センター)が、タバコ税と価格政策を論議するという口実で、FCTC締約国の代表とオブザーバを招いて会合を行いました。ITICがタバコ産業のフロント組織であることを隠しているのです。決してだまされてはいけません。」と述べている。ちなみに、COP6には日本政府から山谷裕幸氏(外務省国際保健政策室長)、西田勇樹氏(財務省主税局税制第二課課長補佐)、佐久間有児氏(財務省理財局総務課たばこ塩事業室課長補佐)、入澤健一郎氏(同資金調整係長)、野田博之氏(たばこ対策専門官)が参加している) ● 財務省元高官の会合が存在している。この会合は秘密に行われており、JTの利益を守る立場から税率に関して広範な議論が行われているという 						
12. 政府が接触する相手が、タバコ産業、その関連組織、ロピイストなどタバコ産業の利益のために活動する個人であるか否かの開示と登録を行う規則が整備されている						5
<ul style="list-style-type: none"> ● 政府職員がたばこ塩事業室のメンバーであるかどうかは容易に判別可能だが、接触相手がPMIなどの日本国内で営業を行っているタバコ会社の職員、あるいはタバコ会社のために活動する弁護士、コンサルタントであるかどうかを判別できる登録名簿は整備されていない 						
(6) 利益相反						
13. 政府が、タバコ産業あるいはその利益のために活動する団体個人が政党、候補者、キャンペーンに対する寄付を禁止していない、あるいは寄付行為の開示義務を設けている						5
<ul style="list-style-type: none"> ● タバコ産業からの寄付を禁止する法令は皆無である 						
14. 政府高官(首相、大臣、長官)のタバコ産業への天下りがある						5
<ul style="list-style-type: none"> ● 多くの政府高官が天下りしてJTの重役をつとめている。1974年に大蔵省に入省した丹吳泰健氏は、2009年に財務事務次官、2012～2014年4月に内閣参与をつとめたのちJT会長に天下りした ● 湖島知高は1976年大蔵省入省。2000年同省福岡財務支局長、2002年JT財務グループ副グループリーダー、2004年人事院事務総局職員福祉局次長等を経て、2015年からJT常勤監査役 						

INDICATORS	0	1	2	3	4	5
<ul style="list-style-type: none"> ● 大林宏氏は、1972年東京地方検察庁検事、2006年法務事務次官、2010年検事総長をへて、2015年JT監査役 ● 安倍首相の家庭教師だったという個人的つながりを持つ本田勝彦氏は2000年からJT社長をつとめたのちNHK経営委員長職務代行者となった 						
15. 現職の政府職員あるいはその関係者が顧問業務などを通じ、タバコ会社の営業方針や内容にかかわりを持っている。						5
<ul style="list-style-type: none"> ● たばこ塩事業室の職員がJTの代弁者となっている 						
(7) 干渉予防措置						
16. タバコ産業及びその関係者との接触記録（議題、出席者、時間、接触内容など）を開示する仕組みが整備されている						5
<ul style="list-style-type: none"> ● 皆無 						
17. 政府がタバコ産業との接触あるいは会合に当たって守るべき公務員の服務規律を策定している。						5
<ul style="list-style-type: none"> ● 皆無 						
18. 政府が、タバコ産業に対して、定期的にタバコ製品の製造、販売シェア、販売促進費、収入、ロビイング費用、慈善事業、政治献金などのあらゆる情報を報告するよう義務付けている				3		
<ul style="list-style-type: none"> ● 株式の3分の1を保有する政府に対して、JTは製造、販売実績、収益などの情報を報告しているが、ロビー活動や政治献金に関する報告は行われていない。 ● JTは毎年200億円を宣伝費として計上している。大部分は「マナー向上」に関するものである。しかしながら、雑誌「選択」は、JTがメディアに多額の費用をかけてマナー広告を出す真の理由は、禁煙推進の報道を抑制するためと述べている 						
19. 政府が、関係各省庁に対してFCTC第5条3項ガイドライン実施を継続的に喚起するプログラム、仕組み、計画を持っている						5
<ul style="list-style-type: none"> ● 皆無 						
20. 政府、政府機関、政府職員並びにその関係者に対して、タバコ産業からの、支援の提供、タバコ対策の草案、視察旅行への招待など、金銭をはじめとするあらゆる形の利益受領を禁止する仕組みを持っている						5
<ul style="list-style-type: none"> ● 皆無 						
TOTAL 90						

【参考】 東南アジア諸国のタバコ産業干渉指数（2016年データ）

<http://www.healthjustice.ph/wp-content/uploads/2016/09/Tobacco-Industry-Interference-Index-PH-2015-09-14-16-PV-rev-1.pdf#search=%27Tobacco+Industry+Interference+Index%27>



JAPAN: Tobacco Industry Interference Index

Summary points: Japan is lagging far behind in practically every aspect in the implementation of FCTC Article 5.3 Guidelines.

1. **Industry participation in policy development:** 20/20

The existence of tobacco business law, strong association between JT and the Government (through 33% ownership) and Policy Makers enables JT to participate in policy development which facilitates interference to weaken policies such as reducing level of tax and delaying smoke-free legislation .

2. **Industry CSR activities:** 5/5

JT conducts numerous CSR activities including sponsoring sports tournaments, games and cultural activities. The tobacco and Salt Museum is part owned by the government.

3. **Benefits to the industry:** 10/10

Allowing the tobacco industry to advertise, sponsor activities, applying ineffective text only warnings on cigarette packs, allowing smoking in indoor public places are all benefits that the tobacco industry enjoys. These requirements under FCTC are not implemented and this benefits the tobacco industry.

4. **Unnecessary interaction:** 9/15

The tobacco industry has a close relationship with the ruling political party, Liberal Democratic Party (LDP), and the Minister of Finance (who is also Deputy Prime Minister) who even questioned the evidence on harmful effects of smoking on health.

5. **Transparency:** 8/10

Meetings between top level officials, such as Ministers, with the JT are not publically disclosed. There is no register for private tobacco companies operating in Japan such as PMI and BAT or their lawyers and consultants acting on their behalf.

6. **Conflict of Interest:** 15/15

There is no prohibition on contributions from the tobacco industry to political campaigns. High level officials, upon their retirement from government service, move to top leadership position in JT.

7. **Preventive measures:** 23/25

The government has not put in place a procedure for disclosing records of interaction with the tobacco industry and its representatives. The government has not implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. There is no public record of effort by the government to regularly raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines.

INDICATORS	0	1	2	3
Level of Industry Participation in Policy-Development				

INDICATORS	0	1	2	3
11. The government ¹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.1)				
<p>List down all such incidents based on a search using key words to search the top 15 government websites, websites/sources, and the top 5 dailies for articles within the period. See Annex A Country Guide for dailies, Annex B guide to keywords that could be used during the search. Follow the scoring instructions and make the necessary adjustment when scoring. Also take note of the general instructions on the average scores and adjustment of final scores.</p> <p>JT's 2016 annual report states it collaborates on anti-illicit trade issues with the Japanese government and other industries. JT claims will continue to do so.⁴ JT "promotes the understanding of relevant authorities that a disruptive tax increase is not necessarily serve their purpose."⁵ There has been no tax increase in recent years.</p> <p>More than that, JT has even placed their tax for the so-called "Heat-not-Burn" tobacco for much less than that of PM. Tax of their Ploom Tec is 15%, BAT's GLO 36%, and PM's IQOS is 50% (source: Ministry of Finance).</p> <p>Indoor public places are not 100% smoke-free as required under FCTC Article 8. There is a Tobacco White paper that has remained untouched for 15 years.⁶ In 2016, the Health Ministry estimated about 15,000 people die annually in Japan from diseases related to passive smoking.⁷</p> <p>JT has successfully interfered on policy to ban on smoking in public places by promoting its "Smoking manners" campaign.</p>				
12. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)				
<p>Please refer to Annex C for policy features and typical tobacco industry positions as well as a scoring guide to ensure severity of influence by the tobacco industry is reflected in a consistent manner among countries.</p> <p>The Tobacco Business Act, which in essence protects the tobacco industry, also covers regulation (or the non-regulation) of tobacco advertising. There is no ban on tobacco advertising and promotions - Self-regulation based on JT's Global Marketing Principles.</p> <p>Japan Tobacco claims, "The Tobacco Business Act, related acts and statutes and voluntary standards set forth the requirements for the sale and promotion activities of tobacco products in Japan that include the indication of warning labels on product advertisements and packages that urge caution over the relationship between the consumption of tobacco products and health."⁹</p>				

¹ The term "government" refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

² The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³ "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

⁴ JT's efforts in Anti-Illicit trade, https://www.jt.com/about/division/tobacco/anti_contraband/index.html

⁵ JT Annual Report 2016, https://www.jt.com/investors/results/annual_report/pdf/annual.fy2016_E_all.pdf

⁶ Health Ministry urges smoking ban restaurants indoor spaces, The Japan Times 31 Aug 2016
<http://www.japantimes.co.jp/news/2016/08/31/national/science-health/health-ministry-urges-smoking-ban-restaurants-indoor-spaces/#.V8kDLpN96Rt>

⁷ Passive smoking kills 15,000 people a year in Japan, study finds. 1 May 2016, The Japan Times
<http://www.japantimes.co.jp/news/2016/05/31/national/science-health/passive-smoke-kills-15000-people-annually-japan-health-study-finds/#.WVRgl1FLfDA>

⁸ Kashiwabara, M. Armada, F. Mind Your "Smoking Manners": The Tobacco Industry's Tactics to Normalise Smoking in Japan, WHO Centre for Health Development, Kobe, Japan, Sep 2013.
<http://www.med.kobe-u.ac.jp/journal/contents/59/E132.pdf>

⁹ Japan Tobacco Inc. Annual Report 2016, Pg 64
https://www.jt.com/investors/results/annual_report/pdf/annual.fy2016_E_partition03.pdf

INDICATORS	0	1	2	3
<p>The Tobacco Business Act requires JT to annually enter into purchase contracts with tobacco growers about the area of cultivation for specific varieties of leaf tobacco and the prices for leaf tobacco by variety and grade. Leaf prices determined by recommendation from Japan Tobacco Inc. – in November 2016 the Leaf Tobacco Deliberative Council (LTDC) released its annual determinations for domestic leaf tobacco cultivation area and grower prices for 2017, in response to a request submitted by JT.¹⁰</p> <p>The Health Ministry filed a Bill in Parliament aimed to restrict smoking in public places such as schools, hospitals, government buildings, bars and restaurants. There is no support for the bill from the majority ruling party. It was opposed by 33 percent of the lawmakers in Japan's ruling Liberal Democratic Party argue it would put bars and restaurants out of business. The Japanese government owns 33 percent of JT.</p>				
<p>13. 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)</p> <p>1 Never 5 Yes</p>				
<p><i>Evidence to support your choice. If this is by law, cite the relevant legislation</i></p> <p>Since the government part owns JT and has a Tobacco and Salt Industries Bureau in the Ministry of Finance, JT's interests would be taken into account in public health policy development.</p> <p>In February 2016, it was reported the Finance Ministry was considering whether cigarette manufacturers be required to display more prominent health warnings on the negative health impacts of smoking. A Ministry Advisory Panel was asked to discuss tobacco-product health warnings and deliver a report in May or June after hearing opinions from tobacco-industry representatives and other experts.¹² The Finance Ministry planned to have the relevant law revised in 2016 following receipt of the panel's report. There is no report on the findings of the Advisory Panel. Two medical representatives strongly proposed the need for more rigorous health warnings. However, their opinion has been dismissed, and they resigned. They were replaced by more pro-tobacco industry persons this year. Health warning on cigarette packs is still text only, and it occupies an area of less than 30%. Only a frame around the text covers 30% of the surface area.</p>				
<p>14. 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 6 & 7)¹³ (Rec 4.9 & 8.3)</p>				
<p><i>For evidence: http://www.who.int/fctc/en/ click on "Conference of the Parties", "COP Sessions", select relevant COP, "Documentation", "List of Participants"</i></p> <p>Representative from the Tobacco and Salt Industries Office attend every COP session. COP7 and COP5: Mr M. Takagi, Director, Tobacco and Salt Industries office, Financial Bureau, Ministry of Finance attended.¹⁴ COP6: Mr Y. Sakuma, Director, Tobacco and Salt Industries Office¹⁵ COP4: Mr Akira Takahashi, Deputy Director, Tobacco and Salt Industries Office¹⁶</p>				
<p>So-called CSR activities</p>				

¹⁰ No price rise for Japan growers, Tobacco reporter, 9 Nov 2016

<http://www.tobaccoreporter.com/2016/11/no-price-rise-for-japans-growers/>

¹¹ Push towards a smoke-free Olympics by Kanoko Matsuyama and Yuki Hagiwara Bloomberg News, 25 Apr 2017

<https://www.bloomberg.com/news/articles/2017-04-24/japanese-restaurants-thwart-push-toward-smoke-free-olympics>

¹² Japanese cigarette packs may get bigger health warning label. Kyodo. The Japan Times, 1 Feb 2016,

<http://www.japantimes.co.jp/news/2016/02/01/national/japanese-cigarette-packs-may-get-bigger-health-warning-label/#.>

[WVScKIFLfdA](#)

¹³ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

¹⁴ COP7: List of Participants, FCTC/COP/7/DIV/Rev2

http://www.who.int/fctc/cop/cop7/COP7_LoPDelegatesList.pdf?ua=1

¹⁵ http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_DIV1Rev1.pdf?ua=1

¹⁶ http://apps.who.int/gb/fctc/PDF/cop4/COP4_DIV_Rev1.pdf

INDICATORS	0	1	2	3
<p>15. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2) B. The government (its agencies and officials) receives contributions¹⁷ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4) <i>NOTE: exclude enforcement activities as this is covered in another question</i></p>				
<p>List down all such incidents based on a search using key words to search the top 15 government websites, websites/sources, and the top 5 dailies for articles within the period* See Annex B (Part III) for a guide to keywords to be used during the search. As a starting point, keywords should be based on at least the top 5 areas of interest of (environment, disaster, education, poverty, women empowerment). Search the websites of the government agencies re these issues for any tobacco related activity. Follow the scoring instructions and make the necessary adjustments when Also take note of the instructions on the average scores and adjustment of final scores. <i>Where possible, please pr amounts or estimated value of the contributions</i></p> <p> JT Biohistory Research Hall endorsed by a Japanese Government, and affiliated with the University of Osaka. Tobacco and salt museum which is endorsed by Japanese Government. JT scholarship. JT volley ball team. Every year they hold Volley ball World Cup in Japan. JT Japanese Chess Championship JT Cup Golf Japan series. Affinis Cultural Foundation endorsed by Japanese Government, and JT Art Hall Affinis. JT's forest - in 8 places in Japan. Green bird to pick up tobacco butts. </p> <p>Physical distribution of JT is authorized as an eco-rail mark industry by the Ministry of Land, Infrastructure and Transport</p>				
<p>Benefits to the Tobacco Industry</p>				
<p>16. 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 PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p>				
<p>Please provide a list of tobacco control laws (national level) and the number of days given for implementation or postponement was allowed, for how long. Please provide a separate list for local legislation or policies. Evidence to support choice can include news articles or meetings where decision was made</p> <p>SCORING: For each incident, provide a base score of 3 if there is a policy that remains pending due to tobacco industry efforts place a score if there is no proposed or pending policy at all (Place N/A: Instead of a 0 score, this question will be discarded when comparing with other countries)</p> <p>SPECIFIC RECOMMENDED ADJUSTMENTS:¹⁸ <i>Time Frame</i> +1 Longer time frame was granted , +1 extremely long time is granted (see Annex C for a guide), -1 if there is a justifiable reason (elections, calamity, etc) <i>Type of Health Policy / Type of Government Agency Involved</i> -1 if related to local government, -2 if related to agriculture, -2 if related to trade, +1 if referring to a policy of the department, women, children, or education</p> <p>FINAL SCORE: After computing the average of the scores for each incident, follow the rules on final scoring as indicated on the instructions</p> <p>Japan has not banned tobacco advertising, promotions and sponsorship, instead applies self-regulation. Most of Japanese places are not smoke-free. White paper on tobacco has been shelved for 15 years. No pictorial warnings on cigarette although JTI exports its brands with PHW to many countries that require this. Health warning on packs have not changed many years.</p>				

¹⁷ political, social financial, education, community, technical expertise or training to counter smuggling or any other forms of contributions

¹⁸ Use this recommended adjustment instead of the "Standard" one listed in the instruction page

INDICATORS	0	1	2	3
17. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)				
<p>Conduct a comprehensive search of all sources of relevant fiscal, trade, agricultural, investment or related policies as listed in ANNEX A, using key words such as “except,” “exempt,” “grant,” “shall not apply” to name a few. At the minimum, please list all exemptions found in the Bureau/ Office/ Ministry of Investments and all exemptions provided to any company similarly situated in the tobacco industry by the Ministry of Finance or internal revenue/tax office.¹⁹ A desk research of policy issuances concerning exemptions that are likely given or available to tobacco industry can be provided even if actual evidence of exemptions actually granted cannot be found.</p> <p>SCORING: For each incident/incentive/benefit, provide a base score of 3.</p> <p>SPECIFIC RECOMMENDED ADJUSTMENTS:²⁰</p> <p><i>Subject</i> +1 if the incentive is specific to the tobacco company/ industry (not to all investors or general group of business)</p> <p><i>Term/Period</i> +1 if the term of the benefit extends beyond the usual term of elected officials/term of office or if the term of the benefit is permanent or an indefinite period</p> <p><i>Granting Authority</i> -1 if the grant is granted by local government</p> <p><i>Type</i> +1 if exemption refers to excise tax or duty free + if a subsidy is involved</p> <p>FINAL SCORE: After computing the average of the scores for each incident, follow the rules on final scoring as indicated on the instruction page.</p> <p>Existence of the Tobacco Business Act is evidence that the government protects the tobacco industry and gives it benefits to protect its business. The government’s 33% ownership of JT gives incentives to the government to protect JT’s success and increased profits. The Ministry of Finance fixes the price of tobacco leaves at \$16.90 (¥1,877.57) and ensures all the tobacco leaves produced by the growers are purchased. This will ensure their income is protected. https://www.jt.com/media/news/2016/pdf/20161109_E02.pdf According to a Japan Times report, “Cigarette prices in Japan are kept lower than in many other countries because the government manipulates them to prevent a sharp decline in consumption. According to a tobacco industry insider, the government is unique in that the government determines the retail prices of cigarettes, and that manufacturers have no freedom to set prices on their own. Thus, he says, the government controls supply and demand from the standpoint of securing tax revenue.” http://www.japantimes.co.jp/opinion/2017/04/23/commentary/japan-commentary/poverty-politics-tobacco-policy/#.WYW6 [2017 April issue of Sentaku]</p>				
Forms of Unnecessary Interaction				
18. Top level government officials (such as President/ Prime Minister or Minister ²¹) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)				
<p>List down all such incidents based on a search using key words to search the top 15 government websites and the top 15 news websites for articles within the period. See ANNEX D-I for the detailed scoring guide</p> <p>JT has a champion in the Minister of Finance (who is also the Deputy Prime Minister) who has been opposing regulation of smoking in indoor public places. He has even questioned the harmful health effects of smoking.</p>				

¹⁹ Examples of benefits include: 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.

²⁰ Use this recommended adjustment instead of the “Standard” one listed in the instruction page

²¹ include immediate members of the families of the high level officials

INDICATORS	0	1	2	3
<p>Nearly 70% of MPs from the Liberal Democratic Party (LDP), to which Mr Aso belongs, have joined a group that oppose ban. Through strong leading LDP Parliamentary group for tobacco, which houses 280 people. https://www.economist.com/news/asia/21723881-it-brings-lot-money-makes-lots-people-ill-japans-government-two-mind</p>				
<p>19. 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>			2	
<p>List down all such incidents based on a search using key words to search the top 15 government websites, tobacco websites, and the top 5 dailies for articles within the period. See ANNEX B for the keyword search guide.</p> <p>According to Japan Tobacco website: “JT will continue to fight against illicit trade in collaboration with governments, incl the Japanese government.” https://www.jt.com/about/division/tobacco/anti_contraband/index.html</p>				
<p>20. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i></p>				
<p>List down all such incidents based on a search using key words to search the top 15 government websites, tobacco websites, and the top 5 dailies for articles within the period. See ANNEX B for the keyword search guide. This may capacity building for trade negotiations or partnership in dispute settlement proceedings. As with most questions, if incident is found after conducting the suggested search, then the answer should be 0.</p> <p>Tobacco and salt industries office is a department within the MOF. This official route for collaboration is always open.</p> <p>There is no penalty for violation of smoking in no-smoking areas. Japan Tobacco conducts ‘manners campaign’. According to JT website: “Toward the goal of creating a society where smokers and non-smokers can coexist in har Japan, JT has been carrying out various activities, such as calling for better smoking manners and promoting se between smoking and non-smoking areas. By doing so, we will aim to create a society comfortable for both smol non-smokers.” https://www.jt.com/about/division/tobacco/index.html</p> <p>By virtue of the government owning 33% of JT, it also owns the Tobacco and Salt Museum which is a promotional outfit The Museum was renovated in 2015 and holds regular exhibitions and is open to children. https://www.jti.co.jp/Culture/museum_e/index.html</p>				
Transparency				
<p>21. 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)</p>				
<p>SCORING: For each incident (meeting or interaction that was not disclosed), a base score of 3 should be given</p> <p>SPECIFIC RECOMMENDED ADJUSTMENTS: +2 if the meeting is not strictly necessary -1 if minutes were taken during the meeting -1 if champions/advocates were asked to be present during the meeting -1 if the meeting takes place in a public office, +1 if photos were taken, +1 if high level officials were involved -1 if a mechanism or rule is available for disclosure of tobacco meetings</p> <p>FINAL SCORE: After computing the average of the scores for each incident, follow the rules on final scoring as indicated on the instructi</p> <p>The Finance Ministry gets annual dividend revenue from Japan Tobacco shares - more than ¥70 billion. That revenue i</p>				

INDICATORS	0	1	2	3
<p>a special account for fiscal investment and loans, and according to the Finance Ministry is spent on industrial investment projects that are too risky for the private sector to undertake.²²</p> <p>The Reuters expose on the tobacco industry shows political mapping of pro-tobacco ministers in Prime Minister Abe's https://www.reuters.com/investigates/special-report/pmi-who-fctc/ Philip Morris Training document Slide No.16: Meeting of Ministers with the JT are not publically disclosed. Slide No.17 provides evidence of Philip Morris Fiscal Affairs and International Trade Executive meeting with Ministry of Finance and Ministry of Foreign Affairs officials on taxation issue in Japan. Purpose of this meeting is to influence the COP outcome.</p> <p>Through the high rank OB meeting of the MOF. This meeting is confidential, though the tax rate is widely discussed according to the JT's profit.</p>				
<p>22. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists</p> <p>Conduct a comprehensive search of all sources of such rules (including in trade, agriculture, food and drug authority, listed in ANNEX A. SCORING: If rules exist for tobacco companies, provide a base score of 3. -1 if affiliated organizations are included, -1 if individuals and lobbyists are also included, If no rules currently exist, the score would be 5. -1 If a policy is being considered</p> <p>While government officials who work for the Tobacco and Salt Industries Unit are easily identified, however there is no information for private tobacco companies operating in Japan such as PMI, or its lawyers and consultants acting on its behalf.</p>				
Conflict of Interest				
<p>23. 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) <i>1 Never 5 Yes</i></p> <p>Conduct a comprehensive search of all sources of such rules (including election laws, etc.) SCORING: If such a prohibition/requirement does not exist for tobacco companies, provide a base score of 5: -1 If a policy is considered, -1 if there is a policy but it is partial, -1 if there is a policy but it is not enforceable/ not followed</p> <p>There is no prohibition on contributions from the tobacco industry.</p>				
<p>24. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)</p> <p>See Annex D for a guide in scoring</p> <p>High level officials, upon retirement from government service, move to top leadership position in JT²³ Chairman of JT, Yasutake Tango, Chairman of the Board: started his career in Ministry of Finance in 1974 rising to position of Administrative Vice Minister of MOF in 2009; being appointed Special Advisor to the Cabinet (2012 – Apr 2014). A Chairman of JT in June 2014.</p> <p>Tomotaka Kojima, Standing Audit & Supervisory Board Member: began his career in MOF in 1976; in July 2000 a Director-General of the Fukuoka Local Finance Branch Bureau; in Jan 2008: Director General of Equity and Investment Bureau, General Secretariat of National Personnel Authority.</p>				

²² The poverty of politics and tobacco poverty, Commentary, The Japan Times, 23 April 2017, <http://www.japantimes.co.jp/opinion/2017/04/23/commentary/japan-commentary/poverty-politics-tobacco-policy/#.WVSLdFfLfdA>

²³ Japan Tobacco Inc. Annual Report 2016, Pages 50-55, https://www.jt.com/investors/results/annual_report/pdf/annual.fy2016_E_partition03.pdf

INDICATORS	0	1	2	3
<p>Hiroshi Obayashi - Audit & Supervisory Board Member: appointed as Public Prosecutor in 1972; appointed Vice-Minister of Justice in June 2006; prosecutor-General in 2010</p> <p>Private connection between Prime Minister Shinzo Abe and Katsuhiko Honda, who is former president of JT. Honda is now a private teacher when Abe studied for the entrance examination of the University. Honda is now a second person of NHK(national broadcasting company) http://www.nosmoke55.jp/action/1310jt_nhk.html</p>				
25. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)				
<p>See Annex D for a guide in scoring</p> <p>Officials representing the Tobacco and Salt Industries represent the industry</p>				
<p>Preventive Measures <i>SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed, 4. Committed to develop such a policy/ program 5. None</i></p>				
26. 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)				
None				
27. 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. (Rec 4.2)				
None				
28. 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. (5.2)				
<p>JT, being part owned (33%) by the government submits records on production, manufacture, market share, revenues. No record available on lobbying expenditure, political contributions.</p> <p>According to news reports Japan Tobacco spends ¥20 billion a year on advertising, almost all of which promotes “nonsmoking”. The real reason, according to Sentaku (magazine), that Japan Tobacco buys space and air time is to quash anti-reporting by making media dependent on JT-related ad revenue.²⁴</p>				
29. The government has a program / system/ plan to consistently ²⁵ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)				
None				
30. 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				

²⁴ Media sidesteps calling Japan Tobacco out on advertising conflicts, Philip Brasor, The Japan Times, 14

Jan <http://www.japantimes.co.jp/news/2017/01/14/national/media-national/media-sidesteps-calling-japan-tobacco-advertising-conflicts/#.WVSPzFFLfDA>

²⁵ 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.

INDICATORS	0	1	2	3
agencies, officials and their relatives. (3.4)				
None				
TOTAL	90			