



**Itmac submission to “Code of Conduct for persons carrying on lobbying activities”  
consultation**

Itmac represents the views of the tobacco sector 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. It has no role in the manufacture, purchase, marketing or pricing of tobacco products.

Itmac has been registered on the SIPO lobbying register since 14 January, 2016 and provide our comments below on the “Code of Conduct for persons carrying on lobbying activities” on that basis. We would be grateful if these comments could be taken into consideration with respect to the introduction of the Code of Conduct, pursuant to the Lobbying Act 2015.

We note that, in its introduction, the Consultation Paper states that *‘Lobbying plays an important role...in promoting effective public decision making. It helps ensure that policy formulation and development is fully informed and that **all individuals, groups and interests in society have an opportunity to contribute to it. Effective public decision-making can, however, be compromised whenever elected or appointed public officials hear from only a single perspective on issues... It is important, therefore, that all parties and interests have fair and equitable opportunities to communicate their ideas and concerns and that there are appropriate safeguards to minimize the opportunities for individual parties and interests to exert undue influence on elected or appointed public officials. The Regulation of Lobbying Act (the Act) seeks to achieve this by making the lobbying process more transparent and allowing the public to know who is seeking to influence whom in respect of what in relation to public policy’.***

The above makes it clear that the Regulation of Lobbying Act aims 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 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 the 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). This despite the fact that 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 on any and all topics discussed. This is what Itmac and its members are already doing on an ongoing basis.

Itmac believes that the current refusal of certain DPOs to meet with representatives of the tobacco companies violates the spirit of the Regulation of Lobbying Act. These 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 ensuring this engagement is performed in a transparent way in accordance with the Lobbying Act.

We would be grateful if you could advise of the SIPO position on the interplay between the general premise mentioned above and Article 5.3 of the FCTC.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Tamara', with a long horizontal flourish extending to the right.

Tamara Texio Balinas

Chairman