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Romania

Romanian Network for Smoking Prevention

The critically acclaimed Romanian movie *Moartea Domnului Lazarescu* (The Death of Mr. Lazarescu) was billed as a comedy, but this documentary-style film of the last days of a lonely, isolated and elderly man is bleak and disturbing. He is shuttled from hospital to hospital across Bucharest, greeted only infrequently by compassion and more commonly by harried, frustrated, or indifferent health care workers who either cannot or will not help him. Some viewers consider the 2005 movie to be an indictment of modern health care and, more broadly, the pace and focus of modern life not only in Romania but throughout the world.

The film also offers an intriguing snapshot of life in the capital as the country of 22 million people struggles to put behind it the abuses and economic, social, and moral degradation perpetrated by the Ceaușescu regime for more than two decades until its collapse in 1989. Among the more arresting images from a public health perspective are those in which individuals from all walks of life—including health care personnel—are shown smoking. This may not be unusual because, according to the 2006 edition of *The Tobacco Atlas*, at least one-third of Romanian adults are regular smokers, but it does point to the challenges faced by tobacco control advocates in their ongoing battle to reduce consumption. After all, hospitals have been required by law

to be smoke-free environments since 2002, but the movie illustrates what everyone knows: this regulation is hardly ever enforced.

Advocates have made major strides, however. In many respects, developments in Romania over the past half-decade echo those in Poland the previous decade. Both countries had only a relatively recent history of health-related advocacy and civil society engagement in general. Yet committed and focused advocates successfully pushed their government to stand up to a formidable tobacco industry and initiate reforms. Partly as a result of pressure from advocates, Romania ratified the FCTC in December 2005; in the past six years, several individuals and organizations have been instrumental in the passage of numerous laws intended to reduce tobacco use. With the support and prodding of fellow European Union members and the EU bureaucracy, this trend toward greater promotion of healthy lifestyles should increase with Romania's membership in the union.

Even with EU accession, however, the role of independent, civil society organizations will likely remain vital to tobacco control efforts in the future. The government may continue to pass laws and regulations, but it has shown inadequate interest in taking seriously many of those already on the books—at least in terms of enforcement. The risk is that citizens, such as health care workers who have yet to be deterred from smoking on hospital premises, will not take them seriously either. Civil society has a crucial watchdog role to play. Ongoing monitoring of rules and regulations will be an important way for tobacco control advocates to hold the government accountable for implementing the laws appropriately and improving the health of all Romanians.

One of the leading tobacco control NGOs has been Aer Pur Romania. In November 2002, it formed a partnership with the Ministry of Health and the state-run television network to establish the country's first National Smoke-out Day. Two years later, Aer Pur helped set up the Romanian Network for Smoking Prevention (RNSP), a national coalition of civil society organizations that were already engaged in or interested in working on tobacco control. The dynamic leadership of both Aer Pur and RNSP has enabled them to seize opportunities to achieve major tobacco control objectives and to launch new initiatives despite the government's insignificant support for civil society.

RNSP's first major initiative, launched in 2004, was a project titled "Leading interventions for a smoke-free environment in Romania." Among the network's more than 20 institutional partners for the project were public health local administrations and central government agencies, including the Ministry of Public Health and the Ministry of Labor, Social Solidarity and Family; public education facilities, including medical schools in three cities; hospitals; private companies in six counties; and various media outlets, including some at the local level. The project's two main objectives were the following:

- ▶ Raise awareness and capacity for smoke-free policies in Romania, initially focusing on smoke-free workplaces and hospitals. This effort consisted of 1) reminding Romanian businesses and hospitals of the provisions in Romania's 2002 tobacco control law that mandate smoke-free environments in public places, and 2) assisting businesses and hospitals in developing their own tobacco-use policies based on best practice models adapted elsewhere.
- ▶ Create a critical mass of parliamentarians committed to passing and ratifying the FCTC.

The first objective continues to be a work in progress. Its effectiveness will undoubtedly be enhanced in the long run by the successful achievement of the second one. The stalled effort to ratify the treaty was moved forward as a result of the network's advocacy efforts coupled with the election in 2004 of a new, more open-minded legislative body. Harmonization with EU legislation on tobacco control was also an important condition for EU accession.

Existing legal framework

RNSP was founded at an auspicious time. Starting from an admittedly low base, Romania has moved quickly and aggressively to pass tobacco control legislation and implement new antitobacco policies in recent years. These developments increase the need for credible and determined organizations to play watchdog roles, particularly regarding commitment and enforcement, and to help sustain the momentum.

Tobacco control laws

The first major step was a national tobacco law, passed in 2002. The law's primary provisions focused on banning smoking in most public places. Its implementation was delayed, but not halted, by the tobacco industry. Two years later, the Ministry of Public Health drafted a bill—which the parliament passed—that prohibits the advertisement of tobacco products. The law is broadly in line with FCTC and EU requirements regarding total bans on tobacco advertising in all media venues, including print, radio, and television. The law took effect in July 2005.

Taxation policies

The government began raising tobacco taxes in July 2003. This marked the first step of its gradual plan to bring cigarette taxes up to EU levels by 2010, a process mandated by EU entry obligations.¹ As of early 2006, cigarette prices remained low by EU standards, at around US\$1 to US\$1.50 per pack; barring a sudden lack of will on

the part of the government, they will rise sharply over the next few years to comply with EU mandates.

The government defends its tax changes on the basis of the EU requirements. Even so, most of the changes have been vigorously opposed by the tobacco industry, which claims that higher taxes will hurt local business and encourage smuggling. The impact since 2003 of higher cigarette taxes on tobacco retailers is difficult to determine, but most observers do not believe it has been as substantial as industry lobbyists predicted.

The impact on smuggling is also hard to quantify, but experience elsewhere indicates that pushing up cigarette taxes can lead to an increase in smuggling when prices vary significantly among neighboring nations. The tobacco industry has not been shy about exploiting this possibility in the Romanian context. At a press conference in 2006, a group of tobacco firms alleged that more than 10 percent of cigarettes on the market in Romania were smuggled, most from neighboring Moldova. Yet even if accurate, this statistic is misleading if presented on its own: Few would deny that cigarette smuggling remains a major problem. However, there is no proof that the new cigarette tax policies have contributed to the problem, especially since smuggling to and from Moldova was common before the changes. In many parts of the world, the tobacco industry itself has been behind much of the smuggling as part of an effort to pressure governments to reduce (or not raise) cigarette taxes. The industry has not been accused of playing a direct role in smuggling cigarettes into and from Romania, but its track record is cause for concern and close monitoring in the future.

The government continues to say it is committed to cracking down on smuggling, whatever its source. But the government has yet to live up to its commitment. The country currently remains a major smuggling transit point involving cheap cigarettes from countries in the former Soviet Union to Western Europe.

Among the most recent government initiatives was the imposition, in May 2006, of a so-called “sin tax” of 30 percent on sales of tobacco and alcohol (excluding beer and wine). The tax has two objectives: to deter the use of tobacco and alcohol, and to finance the health system. The health minister estimated that the tax would bring in between 100 million and 200 million euros (between US\$127 million and US\$153 million) a year, beginning in 2007. Civil society was united in support of the initiative, and its passage marked a major victory for tobacco control advocacy.

The “sin tax” was and remains controversial, however. The Central Bank has expressed concerns about its impact on inflation, and some libertarians consider it to be an example of an overreaching state. Moreover, the tobacco industry was split. Philip Morris, the largest and most powerful multinational cigarette importer, sup-

ported the initiative. Yet at least one domestic producer opposed it, citing concerns that the new tax would increase smuggling and black market activities.

The government's willingness to raise taxes on tobacco and alcohol coincides with its decision to follow the example of several of its Eastern European neighbors and implement a flat tax regime. As of January 2006, individual and corporate tax rates are standardized at 16 percent; this replaces a multitiered personal income tax system and lowers the corporate rate by 9 percentage points. The government of Prime Minister Calin Popescu Tariceanu hopes that the simplified system and lower rates will increase the nation's ability to attract foreign investment, raise its economic competitiveness, and put more money in citizens' pockets.

These positive economic developments, if they transpire, are medium- to long-term. In the near-term, meanwhile, RNSP and many of its allies are concerned that the flat tax—which is expected to reduce overall tax revenues—will further deplete the government's budget and reduce its public health spending. The organizations argue that such laws and policies, while important, are rendered useless if the money to implement and enforce them is not allocated. Health promotion efforts, especially those directed at young people, need a steady supply of government funds and support. NGOs cannot be expected to shoulder the entire burden of developing, implementing, and sustaining vital education and smoking-cessation programs, for example.

Tobacco control advocacy efforts to date

Over the past three years, RNSP and its member organizations have been increasingly active in working with government officials and parliamentarians to put in place many of the important legal changes noted previously. In addition to direct advocacy with these sectors, RNSP has also undertaken the following activities:

- ▶ Supporting the development of at least 10 models of “good practices” among enterprises that have energetically and effectively implemented tobacco control policies. Information about these models, compiled in guides and pamphlets, has been made widely available.
- ▶ Increasing the number of smoke-free hospitals by supporting local advocacy and monitoring efforts in individual communities and districts.
- ▶ Printing the FCTC in Romanian and distributing it to government agencies, private-sector professional associations, and key public health entities.
- ▶ Establishing a mechanism for national coordination for FCTC implementation. This effort includes collaborating with parliamentarians to devise and introduce appropriate implementing legislation. As a result of its activities in this area, RNSP intends to establish itself as a regional resource for FCTC ratification and

implementation as well as other aspects of tobacco control, especially in nearby countries where ratification has not occurred.

Major obstacles and next steps

RNSP and its member organizations are quite hopeful about the future. For one thing, they are hopeful that the requirements of EU membership will secure the government's increased commitment to tobacco control. Much more work needs to be done throughout Romanian society, however, to raise awareness about tobacco control and to solicit greater public support for continued reforms. Among the key obstacles identified by RNSP are the following:

- ▶ The government does not allocate money specifically for tobacco control. All potential funds are directed instead for general health issues. Some of these funds are eventually allocated to NGOs, but not usually to groups focused on tobacco control. As a result, RNSP and other tobacco control groups face ongoing concerns about funding sustainability.
- ▶ Romanian authorities' interest in tobacco control, especially monitoring and enforcement, has flagged in 2006, with the exception of the "sin tax" policy change.
- ▶ The well-funded tobacco industry has strengthened its relationships throughout the political environment, thus reducing the likelihood of more intensive reform.
- ▶ Health officials lack vision about the future of tobacco control in Romania, thus compromising their leadership roles.

RNSP is seeking to overcome these obstacles through a variety of ways. First of all, in terms of its own capacity, it hopes to obtain EU funds to help put it and other network organizations on more sound financial footing. Those additional funds would increase its ability to initiate broader awareness-raising efforts designed to break down some of the barriers and resistance. It has identified the following objectives:

- ▶ **Increase the network's expertise about economic issues and analysis.** The network wants to commission and publish studies about the health and economic costs of tobacco use in Romania. One potential difficulty may be that some health journals in Romania are financed by tobacco companies, but other outlets are likely to be available.

- ▶ **Create new connections with Romanian politicians and policymakers.** Network staff say that existing connections are excellent, but add that more are needed to increase the likelihood that advocacy efforts will continue to be successful.
- ▶ **Initiate new partnerships with other organizations and networks, notably those in civil society.** In addition to helping create a united advocacy front, this may assist the network in preparing and disseminating reports to greater effect.
- ▶ **Maintain existing good partnerships with key government agencies, and improve less successful partnerships.** For example, network staff say they have an excellent working relationship with the Anti-Drugs National Agency, which has collaborated with the network on a smoke-free project for youth. At the same time, they describe the network's relationship with the critically important Ministry of Public Health as lukewarm at best.
- ▶ **Initiate and implement procedures to monitor media reporting of tobacco issues.** This undertaking is expected to improve accuracy, counter tobacco industry assertions, and encourage reporters to better understand tobacco control and the health and economic impact of tobacco use.

Notes

1. The EU directives on cigarette taxation (last revised in 2002) set the minimum excise tax incidence at 57 percent of retail price and the tax burden at 1.28 euros for a pack (which contains 20 cigarettes). See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0010:en:HTML>. According to the 2006 edition of *The Tobacco Atlas*, released by the American Cancer Society, cigarette taxes in most EU countries are at least US\$2.00 per pack. (See www.who.int/tobacco/en/atlas35.pdf.)