

# **TOBACCO POLICY IN MOLDOVA AND THE ROLE OF CIVIL SOCIETY**

**Final research paper**

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## Introduction

Moldova is a country where tobacco is cultivated and processed for a long time, a country whose prosperity, since recently, was based mainly on revenues transferred to the State treasury by tobacco industry. On the other hand, this is a country, where one quarter of the population consider their health bad and very bad, around a half – satisfactory and less than a quarter good<sup>1</sup>; where the life expectancy at birth for men is 60 years and for women – 69 years<sup>2</sup>; a country where during the last years the oncology diseases increased almost twice, especially of respiratory system, where the main cause of population morbidity is the cardio vascular diseases, caused, in the majority of cases, by smoking and alcohol abuse.

Moldova is a country which, after independence and especially during the last decade, became a market for a flood of stuffs, from which the industrial countries began to get rid off – cigarettes, drugs, fast food. The country was overwhelmed by smoking epidemic. To understand this it's not obligatory to make some researches. It's enough to walk on the streets of the capital of Moldova - Chisinau and other cities; it's enough to have a glance at the numerous cafes, to enter them or simply approach them, and it's enough to stand for a while at a public bus station or to stroll through any clothing market. Men and women, young and old people are smoking, teenagers and even children are smoking too. They smoke while working and resting, being sad or joyful. And how to retrain from smoking, if a box of local cigarettes is cheaper than a loaf of bread, not mentioning an ice cream or a glass of juice; if at one bus station there are 3-4 stands selling cigarettes and none selling water or ice cream; if even in newspaper stands the newspapers are far away behind the trader and the cigarette boxes are happily aligned on the front line.

What is the attitude to the smoking epidemic of the State, one of whose responsibilities is to protect the health of population? What measures have been undertaken not to increase the number of smokers? What's to protect the non-smokers from the affection caused by smokers? What to do to stop those who legally or illegally import into the country the product, that upon long usage is killing half of its consumers and advertise it, using dummy arguments and methods? What the Moldovan legislation on tobacco and tobacco industry represent and is it capable to withstand smoking spread? Is the tobacco industry so important for Moldova, that because of it one can ignore the health of hundred thousands of people, insistently accustoming them to smoking? Who in reality is interested in increasing the number of smokers? Is the society capable to withstand the smoking epidemic and what can be done to stir to activity of anti smoking programs?

The author of this research tried to find answers to these questions, and this research represent the first attempt to analyze the measures, undertaken by state bodies and the community of Moldova to control smoking, to estimate their adequacy to the real situation with the smoking in the country and with world policy tendencies on tobacco control and consumption.

The main goal of the research was to analyse the peculiarities of elaboration of tobacco policy in Moldova, to evaluate the sincerity of governmental declaration of the intention to control tobacco, to investigate supporters and opponents of tobacco control policy, to establish the role of foreign tobacco producers, particularly BAT, in the formation of this policy and public opinion about it. Knowledge of these issues permitted us elaborate recommendations on strengthening tobacco control policy in the country and participation of various governmental institutions and NGOs in tobacco control policy advocacy.

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<sup>1</sup> See: Public Opinion Barometer polling results. – Chisinau: Institute for Public Policies, November 2003. – P. 21.

<sup>2</sup> [http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Fmda\\_aag.pdf](http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Fmda_aag.pdf)

The research is based on information, that the author found in different books and booklets regarding tobacco industry of Moldova, published in Soviet times; articles on this subject published in local editions during 2000 – 2004; the documents related with the activity of British American Tobacco (BAT), kept in the Guildford BAT archive and other sources.

Due to the fact that the activity of many state institutions, related with the subject of this research, is badly documented, the author of this research used for confirmation and supplements the interviews with the representatives of the Ministry of Health and the Ministry of Agriculture, different medical institutions, non governmental institutions, journalists and economists. Also, the sociological survey was undertaken, which permitted to have a real picture on smoking in Moldova, knowledge about smoking and attitude to it.

The author didn't have the purpose (and had no possibility) to make a thorough analysis of the situation in the Moldovan tobacco industry and limited herself to a review, which was possible to make based on publication in the open press.

The author expresses sincere thanks to Mr. Cornel Radu-Loghin (AerPur Romania) and Dr. Anna Gilmore (London School of Hygiene and Tropical Medicine) for their assistance in search of information and advice.

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## **Moldova background**

### ***Geography and climate.***

The Republic of Moldova is a newly independent Southeastern European state, situated between the Danube, Prut and Nistru rivers. It is a small landlocked country bordering the Ukraine in the north, east and south and Romania in the west. Moldova is strategically located at the crossroads between Central, Southeast and Eastern Europe. The country's territory is 33,800 sq. km.

The relief of Moldova is a hilly plain, which includes three physical-geographical zones: forests, forest steppes and steppes. The climate is temperate. Black soil rich in humus predominates in the country. An extremely favourable combination of climate and soil creates necessary conditions for high crops of cereals, grapes, tobacco, fruit and vegetables.

### ***Population.***

As of January 1, 2003, Moldova's population was estimated at approximately 4, 2 million. Moldova is one of the most densely populated European countries (about 127 pers./sq.km). The largest ethnic group are Moldovans (about 65%), Russians and Ukrainians account for around 27%, and smaller minorities include the Gagauz (an ethnic group of Turkish origin, 3, 5%) and Bulgarians (2%). The official language is Moldovan, identical to Romanian, Russian is also widely spoken.

### ***Political situation.***

The Republic of Moldova proclaimed its independence on August 27, 1991. During eight years of independence the political situation has remained stable. On July 29, 1994 the Constitution of the Republic of Moldova was adopted. This was a major historic step for the Republic. It placed the country on the road to democracy and free market economy. The Constitution stipulates that the guideline for the country economy "is a market economy, socially oriented, based on both private and public ownership, involved in free competition".

On March 2, 1992, the Republic of Moldova joined the United Nations Organization as a full member. The same year, Moldova joined the International Monetary Fund and the World Bank Group. On March 16, 1994, it signed the NATO initiative "Partnership for Peace". The Partnership and Cooperation Agreement (PCA) between the Republic of Moldova and the European Communities, on the one hand, and its Member States, on the other hand, came into force on July 1, 1998.

### ***Economic situation.***

After the break-up of the Soviet Union, Moldova was affected by a sharp deterioration of the external trade, loss of traditional markets, disruption in payments and trade relations. The 1992 and 1994 droughts and the Transnistrian conflict in 1992 compounded the adverse effects on output. As a result, the real GDP declined by more than 50% between 1991 and 1994.

The main change in the economic policy of Moldova has taken place after 1993. This year marked the borderline between the state-dominated and market oriented economy. This period followed after the important events of 1990-1992: liberalization of prices, commerce and enterprise operations, and adoption of the first set of laws establishing the market economy (laws regarding ownership, privatization, Land Code, etc.), entry into new markets.

The “big bang” in the transition from one model of social, political and economic development to another was marked during 1993-1995. This was the period when the mass privatization program was implemented, the National Bank of Moldova initiated credit auctions, the new national currency was introduced and its stability maintained. The situation of the economy in 1996-1997 could be described as a “stable depression” which, under the impact of external and internal pressures, led to a crisis.

After Russia’s 1998 crisis, Moldovan export to CIS countries dropped more than twice and consequently, the GDP decreased 8,6% in 1998. Real GDP continues to decline in 1999 as well. With a GDP of 1440 USD per capita according to PPP, the Republic of Moldova became one of the poorest countries in Europe. In UNDP’s 2003 Human Development Report<sup>1</sup> the Republic of Moldova is ranked as a medium human development country with a HDI value of 0.7002. Of 175 countries analyzed in the 2003 Report Moldova is ranked 108, between Algeria and Vietnam<sup>3</sup>.



<sup>3</sup> [http://www.undp.md/\\_popup\\_nhdr2003/eng/001-060.pdf](http://www.undp.md/_popup_nhdr2003/eng/001-060.pdf)

## Chapter 1. The Tobacco Industry in Moldova

### 1.1. Tobacco Cultivation and Cigarette Production in Moldova

The development of policy on tobacco control in Moldova has been largely determined by the importance that the tobacco sector has had, and continues to have, on the economy of the country. Consequently, it seems appropriate to present a brief historical overview of the development of the Moldovan tobacco sector and its main components: tobacco growing, processing (fermentation) and the manufacture of tobacco products.

#### *Tobacco growing*

The cultivation of tobacco, in the territory of modern Moldova, started over 300 years ago. It was brought to Basarabia from Turkey and at first it was grown on small plots for personal consumption. During the second half of the nineteenth century, tobacco cultivation started to develop, especially during the Russian–Turkish War (1877–1878) when the importation of tobacco from Turkey to Russia was forbidden but demand for tobacco had increased significantly. Yet by the 1880s a decline in production had set in, caused by rapid increase of plantations and cheaper production of tobacco in other tobacco-growing regions of the Russian Empire (Black Sea coast, North Caucasus, Crimea, Georgia). Primarily, tobacco was being grown by peasants with small households but overall the plots occupied an insignificant area<sup>4</sup>.

Tobacco production began to climb again at the beginning of the twentieth century, especially in the Soviet era when the big collective farms – kolhoses and sovghoses – were established because they were provided with machinery and used modern technologies and scientific research in tobacco cultivation. The Second World War severely damaged the Moldovan tobacco industry, as well as the economy of the country in general. After the war, the economy started to recover and developed rapidly. By the mid 1950s, the area used for tobacco plantations had reached 17,000 hectares, four times the pre-war figure. This boom was followed by another period of decline that lasted until 1963. Researchers consider this happened because, during those years, the idea of transforming Moldova (then Moldavia) into an All Union orchard was enthusiastically supported and capital allocations were made only for planting orchards and vineyards<sup>5</sup>.

In 1963, the Soviet concept of agricultural development underwent changes. Moldova, with its favorable conditions for tobacco growing (warm climate, light soil, a large rural population, and therefore a considerable labor force, with experience of growing tobacco) was assigned the role of becoming one of the main suppliers of raw tobacco for the tobacco industry of the whole of the Soviet Union. From that time on the tobacco industry began to develop very rapidly. In the 1970s and 1980s, Moldavia produced around 40% of the total volume of tobacco products in the USSR. 1986 is considered the year of the highest production for the industry with 77,000 hectares occupied by tobacco and total production reaching 1,232,000 tons. The tobacco sector provided one fifth of the Republic's State Budget revenues<sup>6</sup>. Moldovan tobacco was delivered to all the Republics of the former USSR, wherever tobacco factories were located. Growing tobacco leaves provided jobs for tens of thousands of people, relatively high earnings (a peasant's family could buy a car with earnings from a tobacco plantation during one season) and a considerable amount of profit for the kolhoses and sovghoses<sup>7</sup>. All these facts meant people's eyes were closed to the harm tobacco was

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<sup>4</sup> See. : Tobacco. – Chisinau: “Moldovan Book” Publishing House, 1973. – P.9.

<sup>5</sup> See. : Ibidem, p. 11.

<sup>6</sup> See. : Ibidem, p. 12; Bazarov E. Moldovan tobacco growing 10 years after// Moldovan gazette. – September 16, 2000.

<sup>7</sup> See. : Tobacco. – Chisinau: “Moldovan Book” Publishing House, 1973. – P. 14; Salogub D., Tobacco sector privatization: who has an interest in it? // Business Newspaper. – November 24, 2000.

causing to people's health. Quite often children, encouraged by mass campaigns, were involved in harvesting and drying tobacco leaves on plantations.

### Tobacco fermentation and cigarette production

In parallel with the development of tobacco farming, the development of Moldovan tobacco industry was speeding up and by the 1970s had reached a high level of production. There were ten tobacco fermentation factories in the Republic, whose capacity exceeded 100,000 tons. Chisinau tobacco factory was one of the leaders of the industry across the Soviet Union. It was equipped with highly efficient equipment and cigarettes produced there had a good reputation and were in demand. This happened mainly because of the cooperation between the factory and one of the leading world producers of cigarettes, Philip Morris, leading to brand leader "Marlboro" being produced in Chisinau. Annually, the Chisinau tobacco factory produced around 10 billion cigarettes, half of which were delivered to other Republics<sup>8</sup>.

It must be said that the well-being of the tobacco sector was, in many respects, artificial. It was based on the Soviet Union's division of labor and the so-called market, when one or other Republic was assigned a certain role in the economy with supply and distribution being centralized. Even in Soviet period, research on the tobacco economy mentioned that, in the majority of collective farms, the increase in volume of the tobacco harvest was simply due to the increase of areas planted; that the tobacco yield in Moldova was much lower and its cost price was much higher than in other tobacco-producing Republics; that a large amount of the tobacco produced in Moldova was of low quality and that Moldova considerably behind other Republics in terms of labor productivity in the tobacco sector<sup>9</sup>.

The situation dramatically changed after the collapse of the Soviet Union when traditional economic ties were disrupted. Centralized supplying of collective farms and distribution of the end-product stopped abruptly.

First of all, production of the raw material – tobacco leaf – decreased sharply. The privatization of land resulted in the disappearance of big collective farms and an end to the regulation of small producers' activities. Having lost their equipment and having no money to buy seeds, fertilizers, pesticides or fuel, many farmers simply stopped growing tobacco.

Referring to 1986, Mihail Makidon, General Director of the Department *Moldova – Tobacco* has said that Moldova "became the leader in tobacco production in Eastern Europe"<sup>10</sup>. During the following ten years, the area of tobacco plantations decreased almost five-fold, to 16,300 hectares, and the production of dried tobacco leaf fell to 19,500 tons<sup>11</sup>. The quality of tobacco deteriorated sharply because the producers did not comply with the necessary processes. Intermediaries got rich on the sale of tobacco leaf, and the few remaining producers ticked (meaning?) more and more. Due to a lack of raw material, the fermentation factories were standing idle and accumulating debts. The biggest producer of smoking products in Moldova, *Tobacco – CTC*, encountered serious problems with the production and distribution of its products<sup>12</sup>.

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<sup>8</sup> See: Kalak D. Moldovan tobacco as national wealthy. // Economic Review. - # 7, February, 2000; New people – new style: Interview with General Director of Stock Company "Tobacco – CTC" George Naforita // Independent Moldova. – September 23, 2003.

<sup>9</sup> See: Tobacco. – Chisinau: Moldovan Book Publishing House, 1973. – pages 13 - 15;

<sup>10</sup> Tobacco purchasing prices will go up // Economic review. - # 7, February 27, 2004.

<sup>11</sup> See: Ketrari V. Tobacco market: more, cheaper, worse // Economic Review. – # 40, October 27, 2000.

<sup>12</sup> See: Banaru E. Tobacco market remained without distributors // Economic Review. - # 45, December 6, 2002;



These trends are still going on<sup>13</sup>. In 2003, the total area of tobacco cultivation had decreased to 5,500 hectares and only 7,200 tons of dried tobacco leaf was produced<sup>14</sup>. However, if the statements made in the press by the managers of *Tobacco – CTC* are to be believed, the situation is getting better at this enterprise: “For 8 months of the current year (2003) the volume of production output of CTC in value terms went up by 27% and sales volume by 32.7%. At the same time profitability rose 3 times, and income increased by 3.6 times”<sup>15</sup>.

The State periodically adopts different ideas and strategies to revitalize and develop the tobacco sector, but is not really providing assistance to implement them. The 1998-2003 Program for tobacco sector development planned by 2003:

- stabilization of tobacco cultivation at a level of 40,000 to 50,000 hectares
- production of dried leaf at a level of 80,000 to 100,000 tons
- manufacture of cigarettes at a level of 10 to 12 billion pieces.

However, this plan remained only on paper<sup>16</sup>. Experts take a skeptical view of the potential for implementation of the latest Program for tobacco sector development for 2003 -2010, which was adopted on 28 November 2002, even though this Program aims for more modest targets:

- tobacco cultivation on 22,000 hectares
- production of 45,000 tons of dried leaf
- manufacture of 11.5 billion cigarettes<sup>17</sup>.

In August 2003, in order to implement this Program, the Ministry of Agriculture created *Moldova – Tobacco* as a unit charged with ensuring the implementation of state policy in the tobacco sector<sup>18</sup>. In reality, this means a return to a state monopoly for the production of tobacco leaf and tobacco products (a situation that has been welcomed and not only by tobacco sector employees<sup>19</sup>).

However, in the current conditions in Moldova, talk about the efficiency of such strategies is not useful for one simple reason: while the tobacco factory and fermentation factories are mainly owned by the State, most agricultural land has been transferred to private owners. It is impossible to control these land owners by directives; they need an economic rationale, which the Ministry of Agriculture simply has not put forward. Recently, the Ministry of Agriculture proposed the idea of “land consolidation” which has been interpreted by many people, including agricultural specialists, as a return to kolхозes. In May 2004, the Minister of Agriculture, Dumitru Todoroglo, in an article in the state government newspaper *Independent Moldova*, attempted to explain what the Ministry intended by this process and to reject concerns that it represented a return to old forms of land administration. It was not very persuasively argued, as the Minister rather earnestly stated his

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<sup>13</sup> See.: Salogub D. Tobacco sector has problems// Economic review. - # 44, November 24, 2000;

T. Smeshnaia Moldovan tobacco “closed circle”// Chisinau Review. – May 24, 2001;

C. Cherescu Tobacco industry: reality and problems//Independent Moldova. – July 11, 2001;

V. Ketrari “Tobacco - CTC”: readjustment or stagnation?// Economic Review. - # April 15, 25, 2003 and others.

<sup>14</sup> V. Kerrari Conjunctive review. “Was it better” or “worse is impossible?” The answer depends on what is to compare // Economic review. - #48, December 26, 2003.

<sup>15</sup> New people – new style: Interview with General Director of Stock Company “Tobacco -CTC” George Nafornita //Independent Moldova. – September 23, 2003.

<sup>16</sup> See: Official Monitor, # 28-29. – 2 April, 1998.

[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=323&txtYear=1998](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=323&txtYear=1998)

<sup>17</sup> See: Official Monitor, #162-165. – December 6, 2002.

[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=718&txtYear=2002](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=718&txtYear=2002)

<sup>18</sup> See. : Tobacco Agency will be liquidated //“Capitala” newspaper. – September 17, 2003.

<sup>19</sup> See: Prisacaru I. Tobacco -CTC should not be privatized. [http://www.infotag.md/f2004\\_3\\_en/declarations\\_en/7230/](http://www.infotag.md/f2004_3_en/declarations_en/7230/)  
Dediu I. Chisinau Tobacco factory shall remain under the state control. <http://www.azi.md/news?ID=11055>

opposition to all possible forms of agricultural enterprise other than agricultural cooperatives<sup>20</sup>. Whether it will be possible to put this idea of land consolidation into practice and whether this will change the situation in the tobacco sector remains to be seen. At the moment, the country has no legislative basis for such proposals. In his interview, the Minister expressed the hope that in 2004 the new Land Code - the law on agricultural land organization (consolidation) and the program of consolidation - would be adopted however the public has reacted negatively to this idea.

At present, Moldovan experts believe there is no point in returning to the practices of former times or to have as a benchmark the volumes of tobacco production and cigarettes that were reached in Moldova in the 1980s<sup>21</sup>. The view is that those with aspirations to restore the tobacco sector to its former volumes of production are more influenced by nostalgia and old stereotypes of a highly productive economic organization than by modern realities or efficient economic programs. World trends in the tobacco market suggest that betting on tobacco is not the best solution for the economy of any country. Even though the tobacco industry remains one of the most profitable, bringing millions in income to its owners - the big cigarette producers - the problems facing even these giants of industry is making them turn down further development and invest their capital in other spheres. Taking into account world trends, it may not be appropriate to encourage Moldovan farmers towards more tobacco production, but rather to help them find a worthwhile replacement for this crop. Perhaps the production of cigarettes should not be seen as the only salvation for the Moldovan economy. It is necessary to think about other possibilities that use the rich natural resources of the country and Moldova has the human potential to do this.

However, memories of the former high status of the tobacco sector can, from time to time, stir Moldovan society. Sometimes these memories are invoked as arguments against the modest activities directed towards smoking control which the Government occasionally undertakes (or plans to undertake). One recent article highlighted the role of the tobacco sector in the Moldovan economy, while arguing against Moldova signing the WHO Framework Convention on Tobacco Control: "Moldova is a country with a traditionally agrarian economy, in which the tobacco sector is the most important one. In Soviet times Moldovan cigarettes were famous for their excellent quality..." This article contained much inaccurate information. It failed to mention that the producers' warehouses are filled with unsold cigarettes but predicted unemployment for the workers and specialists if Moldova were to sign the FCTC which was described as an "International commitment of a purely academic character, which would not help Moldova get one single millimeter closer to Europe..."<sup>22</sup>. Fortunately, such cases are rare.

## **1.2. Moldovan Tobacco Industry Privatization: History and Perspectives.**

Officially the privatization of state assets in Moldova started in 1991. In January 1991, the Law on Property (# 459-XII from January 22, 1991) was adopted and six months later the Law on Privatization (# 627-XII from July 4, 1991) was adopted. In January 1992, the Law on Entrepreneurship and Enterprises was adopted, which provided for different types of property in the economy of the country. But the active process of privatization really only started in 1993-1994<sup>23</sup> after the Parliament adopted on March 10 1993 the First State Privatization Program for 1993-

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<sup>20</sup>See. : I don't want that the word "consolidation" is regarded as a swear word: Interview with the Minister of Agriculture of the Republic of Moldova Dumitru Todoroglo// Independent Moldova. – May 13, 2004.

<sup>21</sup>See.: D. Salogub. Structural transformations in tobacco industry //Economic Review. - # 45, December 6, 2002.

<sup>22</sup>E. Suvorova. It's so sad that you want to smoke!// Timpul. – May 14, 2004.

<sup>23</sup>To date, three Privatization Programs have been adopted, none of which has been completely implemented. Local economists and politicians frequently criticize the privatization process in Moldova. See, for example, Shveikina O. Competition: "Investors, go!"// Capital. - September 18, 2003, p. 4; Morev V., Platonova T. Privatization in Moldova lasts for more than 10 years, but no prosperous capitalism emerged. Why?// Nezaavisimaia Moldova (Independent Moldova). - February 6, 2004, p. 4.

1994. The Program provided for the sale of assets whose privatization needed no preliminary preparation, but which could bring a tangible social and economic benefit. Trade, public catering, domestic services, the state housing fund, as well as agricultural and construction enterprises were included in the Program. It was at this time that the story of the privatization of the Moldovan tobacco industry began – a story full of scandal, secrecy and deceit. It is a story that has not yet ended because the majority of tobacco processing and production enterprises are still owned by the State, even though they are on the list of enterprises for sale<sup>24</sup>. Perhaps, the least problematic was the privatization of tobacco plantations.

Prior to independence, the tobacco sector in Moldova had operated a vertically-integrated system under state control. Beginning in 1991, the early attempts at land reform and farm restructuring began to break up this system. Between 1991 and 1995, there was slow progress in privatizing land and agriculture, but the pace accelerated dramatically after January 1996, when the Constitutional Court ruled that various Land Code provisions were unconstitutional, thereby clearing the way for faster privatization. By the end of 1997, the State owned only 18% of agricultural land, compared to 100% before independence, and most of its holding was in the Reserve Fund<sup>25</sup>.

Production of tobacco leaf has now been almost entirely privatized in Moldova. With the break-up of the kolkhoz and the distribution of land, tobacco is now being produced primarily on private farms. Typically, tobacco is grown on corporate farms which produce numerous other crops, since tobacco needs to be cultivated as part of a multi-year crop rotation in view of its effect on soil fertility. Compared with the Soviet period, when tobacco was grown in more than 400 agricultural enterprises, nowadays the number of farms growing tobacco has decreased and is around 200. According to data from the Department *Moldova-Tobacco*, 270 households were planning to grow tobacco in 2004, half of them growing this crop for the first time in the previous 8-10 years<sup>26</sup>.

The privatization of industrial enterprises – tobacco fermentation factories and tobacco products factories (known at the time as the “Tobacco Association”) has been more complicated. Regretfully, it is only possible to reconstruct the history of this period using newspaper articles. These are frequently contradictory, demonstrating the complexity of the problems faced.

The first attempt to privatize the tobacco industry in Moldova was made in 1994, when it was decided to create a joint venture based on the Chisinau Tobacco Factory, (now *Tobacco-CTC*). The German company *Reemtsma Moldovan Betiligungesellschaft* was the investor in the joint venture with whom the agreement was signed on April 21, 1994<sup>27</sup>. Although this company was heralded as part of the renowned world producer of tobacco products *Reemtsma International*, it is difficult to say what it really represented given the information that appeared in the Moldovan press: that the company was only registered after (!) the privatization agreement had been signed - on May 3 1994 in the lowest level of court in Hamburg. The start-up capital of this company – the company that had pledged to provide all necessary investment for the future development of the tobacco industry of Moldova, full employment for tobacco industry employees, and not less than 15% allocation to the state Budget (i.e. the same allocation that the industry had made to the state Budget during its

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<sup>24</sup> See: Monitorul Oficial (Official Monitor), # 59-60. – September 11, 1997  
[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=466&txtYear=1997](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=466&txtYear=1997)

<sup>25</sup> See: The World Bank’s Supervision Mission for the Structural Adjustment Credit. Tobacco Sector Aide-Memoire. - September, 2000, p.7.

<sup>26</sup> “Department «Moldova-Tobacco» considers// Economiceskoe obozrenie. Logos Press (Economic Review). - March 12, 2004.

<sup>27</sup> Under some data it was signed not an Agreement but only a “Protocol of Intentions”. See: Nezaavisimaia Moldova (Independent Moldova). - June, 1994.

best years) - was a mere 50,000 Deutschmarks, the minimum sum permitted in German law for start-up capital<sup>28</sup>.

According to information that leaked to the Moldovan press, the man behind the deal was Boris Birnshtein, a well-known Canadian businessman who was the owner of *Seabeco-Moldova* and who was very influential with the President of the country at that time. The German company's proposal could hardly be considered advantageous for the Moldovan industry. Chisinau Tobacco Company, eight fermentation factories, and the scientific research institute for tobacco and tobacco products - the total value of which was supposedly estimated by accountants *Ernst & Young* to be only US\$12 million - were all included in the proposed joint venture. Based on this estimate, in exchange for 65% of the shares in its biggest tobacco industry enterprise, the German side offered Moldova US\$22 million, provided the products of the joint venture were exempted from excise tax and a 10-year income tax "vacation" was granted<sup>29</sup>. Given the considerable political influence of Mr. Birnshtein, who at that time headed the Consultative Council on foreign investments for the Moldovan President, the deal looked likely to be concluded. However, by that time the Tobacco Association had been working for more than a year with British American Tobacco on a plan for tobacco industry development<sup>30</sup>. The eventual agreement with BAT also had partisan supporters. There were specialists in the country, who had been working in the industry for more than ten years, who did not consider the privatization of the industry to be expedient. These specialists had the support of some of the Moldovan and even the Russian mass media<sup>31</sup>. While they may not have convinced the Government that the proposed deal would be unprofitable, they argued that it would be impossible to conclude the deal privately without conducting a tender, and warned of a negative reaction by the public. Under these pressures, the deal with "Reemtsma" was not concluded at that time.

In July 1995, the Parliament approved a plan for the reorganization and privatization of the tobacco industry which provided for the establishment of a joint venture with foreign participation, corporatization of the tobacco enterprises, and their privatization through an international tender. Subsequently, the government transformed the tobacco enterprises into a joint-stock company named *Tutun S.A.*<sup>32</sup>.

The next attempt at privatization was made in 1996. The Moldovan Government took into account mistakes made during the previous attempt to set up a joint venture which had resulted in extensive "lobbying" and tried to ensure a legal aspect to the process. The accountants, *Arthur Andersen*, were hired to estimate the value of the tobacco industry and the tender was officially announced, with a tender committee being appointed. Only "Reemtsma" and BAT were interested and their proposals had changed during the previous two years in response to changes in the tender conditions<sup>33</sup>. However, the majority of independent experts considered that all this procedure has been undertaken to deceive the public as the winner had been decided beforehand<sup>34</sup>. "Reemstma"

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<sup>28</sup> See: Mogoreanu I. Things are in a sorry state// Kishinevskie novosti (Chisinau News). – July 16, 1994.

<sup>29</sup> See: Skvirencu G. Choosing the partner problem. In the economy – Moldovan Youth . June 4, 1994.

<sup>30</sup> See Mogoreanu: I. Things are in a sorry state// Kishinevskie novosti (Chisinau News). – July 16, 1994.

<sup>31</sup> See: Gamova S. Moldovan tobacco industry may be sold on one side conditions as presented by "Seabeco"// Izvestia. June 19, 1994.

<sup>32</sup> See: Monitorul Oficial (Official Monitor), # 43. –August 3, 1995.

[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=394&txtYear=1995](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=394&txtYear=1995)

<sup>33</sup> See: Monitorul Oficial (Official Monitor), #43. – August 3, 1995

[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=394&txtYear=1995](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=394&txtYear=1995)

<sup>34</sup> Indirect confirmation of this fact may be found in Reuters report that appeared after the Moldovan Government suddenly changed the decision of the tender committee in 1997. : «Reemtsma said that Moldova already sabotaged a 1994 agreement with Reemtsma”. - <http://legacy.library.ucsf.edu/cgi/getdoc?tid=kle48d00&fmt=pdf&ref=results>

won the right to buy 60% of the shares, securing them for US\$59 million. Details of exactly what happened after that are sketchy but in 1997 the new Government cancelled the deal probably because of rumors circulating that a higher price had been offered by BAT<sup>35</sup>. A memorandum by World Bank experts comments that “after BAT made a counteroffer of \$61 million, the government annulled the agreement with “Reemtsma”, and invited further bids after indicating that it might be prepared to divide up the enterprises into various lots. It has been reported that BAT subsequently raised its bid to \$71 million, but that negotiations broke down after the government’s tender committee introduced new conditions”<sup>36</sup>.

Although this happened, it did not mean that the Government had given up its plans to privatize the tobacco industry. On June 25 1997, the Parliament adopted the third privatization program for 1997-1998. Numbers 27 to 33 on the list of enterprises to be privatized included the same tobacco industry enterprises<sup>37</sup> (and they are still there, because the program is still valid).

By the end of December 1997, the Parliament had adopted the decision on the reorganization of tobacco industry enterprises and the concept of their privatization. To conform with this decision, the joint stock company should have been divided into eight separate enterprises: one cigarette factory “Tutun” with a fermentation factory (at present *Tobacco-CTC*) and seven tobacco fermentation factories<sup>38</sup>. This was supposed to facilitate the privatization process. At the beginning of 1998, the Program of tobacco industry development for 1998–2003 was announced, according to which the Ministry of Agriculture and Food Industry and the Ministry of Privatization and State Property Management were supposed to present to the Government – by February 15 1998 - the individual privatization projects for tobacco processing enterprises with the participation of foreign and local investors<sup>39</sup>.

We have no information as to whether the projects provided by the Program were presented to the Government in 1998. It is most probable that they were not or if they were, then nothing resulted. One year later, the Memorandum of Economic and Financial Policies of the Government of Moldova (which described the policies that Moldova intended to implement in pursuit of its request for financial support from the International Monetary Fund) noted that “Moldova continues the work with investment advisors to develop a privatization strategy for the plants in the tobacco sector, and the announcement on the tender is scheduled for September 30 1999”<sup>40</sup>.

At that point, the long and painful confrontation between the Government and the Parliament began. Up to October 2000, the Parliament rejected various draft laws regarding the privatization of the tobacco sector<sup>41</sup>. Failure to fulfill its promises to privatize the tobacco industry aggravated the

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<sup>35</sup> Reuters, 02.12.1997. Germany's Reemtsma dismayed by Moldova tobacco move.- Bates Number: 2062386101A. <http://legacy.library.ucsf.edu/cgi/getdoc?tid=kle48d00&fmt=pdf&ref=results>

<sup>36</sup> See: The World Bank’s Supervision Mission for the Structural Adjustment Credit. Tobacco Sector Aide - Memoire. - September, 2000, p.7.

<sup>37</sup> See: Monitorul Oficial (Official Monitor), # 59-60. –September 11, 1997 [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=466&txtYear=1997](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=466&txtYear=1997)

<sup>38</sup> See: Decision of the Parliament of the Republic of Moldova # 1429-XIII from December 23, 1997// – Monitorul Oficial (Official Monitor), #5 – January 22, 1998 [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=424&txtYear=1998](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=424&txtYear=1998)

<sup>39</sup> See: Monitorul Oficial (Official Monitor), #28-29. – April 21, 1998 [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=323&txtYear=1998](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=323&txtYear=1998)

<sup>40</sup> See: Letter of Intent and Memorandum of Economic and Financial Policies of the Government of Moldova for 1999 <http://www.imf.org/external/np/loi/1999/072999.htm>

<sup>41</sup> See: Dediu I.: Chisinau Tobacco Factory shall remain under the state control// <http://www.azi.md/print/11055/Ro;>

Government's relations with the IMF. In the spring of 2000, the IMF and the World Bank suspended the financing of Moldovan projects because the Parliament rejected the privatization of the wine and tobacco industries<sup>42</sup>. Finally, the law was adopted in October 2000<sup>43</sup>, but attempts to sell the enterprises separately or as the entire tobacco sector, have been in vain.

After the communist Government came to power, the chances of a successful privatization were expected to be even lower. Nevertheless, as mentioned above, the enterprises of the Moldovan tobacco industry are still on the list of assets available for privatization<sup>44</sup>. It is not clear whether the resistance to privatization is based on ideological issues or on reluctance to privatize branches of economy, considered national property<sup>45</sup>. From the point of view of tobacco control advocates, the delay in privatization should bring more joy than sadness. It needs to be said that the dismantling of a single national industry ruined its capacity to function effectively, decreased state control and raised the level of corruption in the tobacco sector.

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The Parliament of Moldova didn't approve the projects for privatization of Stock company "Tobacco – CTC" and the wine and brandy factory from Balti// <http://www.azi.md/print/8644/Ro>; Parliamentary factions' leaders have different attitudes on privatization problems of tobacco sector and wine industry enterprises// <http://www.azi.md/print/9514/Ro>

<sup>42</sup> See: De-blocking of foreign financing depends on privatization of tobacco and wine enterprises// <http://www.azi.md/print/8027/Ru>. No matter that many Moldovan politicians and journalists linked the complication of relations with the IMF namely by the privatization of tobacco industry, we have information that IMF fought more for wineries and it is not correct to say that IMF held the disbursement because of tobacco industry privatization.

<sup>43</sup> See: Monitorul Oficial (Official Monitor), #166-168. – December 31, 2000  
[http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=258&txtYear=2000](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=258&txtYear=2000)

<sup>44</sup> See: Department of Privatization of the Republic of Moldova  
[http://www.privatization.md/privatization/privatization\\_companies/strategic\\_projects/wine\\_tobacco\\_energy/](http://www.privatization.md/privatization/privatization_companies/strategic_projects/wine_tobacco_energy/)

<sup>45</sup> See: Kalak D. Moldovan tobacco as all-national property// *Economiceskoe obozrenie*. Logos Press (Economic Review), №7. – February, 2000; Salogub D. Tobacco industry has problems. – *Economiceskoe obozrenie*. Logos Press (Economic Review), – November 24, 2000 г.; Evstratiev S. New people - new style// *Nezavisimaia Moldova* (Independent Moldova). – September 23, 2003; Prisacaru Ion. Tobacco - CTC should not be privatized// [http://www.infotag.md/f2004\\_3\\_en/declarations\\_en/7230](http://www.infotag.md/f2004_3_en/declarations_en/7230)

## **Chapter 2. Tobacco Control in Moldova**

### **2.1. Tobacco Control in Moldova: Historical View**

#### **1960 – 1995**

Considering the importance for the Moldovan economy of the tobacco industry and the concerns about its decline over nearly two decades, it is not surprising that activities aimed at reducing smoking - now known as “tobacco control” - such as restricting the promotion of tobacco products or regulating tobacco products, were not seriously undertaken until relatively recently.

It is true that, during this earlier period, there were some restrictions in Moldova, (Moldavia at that time) as there were in the entire Soviet Union. So, the “Soviet Trade Rules” (notices which were supposed to be, and sometimes actually were, visibly posted in all shops) prohibited the sale of tobacco products to teenagers (defined as persons under 16 years old). In accordance with fire protection regulations, smoking in public places such as cinemas, theaters, organizations, educational institutions (except schools) was permitted only in places specially provided for that purpose, where fire extinguishers and bins with sand were supposed to be located. In practice, these places were usually the area by the stairs or the toilets; in a very few cases special rooms were provided for smokers, where the “special equipment” were the usual bins and sometimes chairs or sofas, depending on the financial circumstances of the organization. Smoking was prohibited in preschool institutions and schools, medical institutions, and on public transport (buses, trolleybuses). On trains, smoking was allowed only in certain areas (which, in reality, ended up being the places between the wagons) and in the restaurant wagons. Smoking in airplanes was permitted on certain long-distance flights until the middle of the 1970s and no-smoking zones were provided for non-smokers. Rules governing schoolchildren prohibited them from smoking. All these rules and regulations existed but it is another matter as to how they were observed.

Advertising for tobacco products, especially on the streets, was virtually nonexistent until the second half of the 1990s. In 1997, when Kiev was full of billboards for Marlboro, Lucky Strike and other imported cigarettes, it is safe to say that Chisinau represented virgin territory in this regard. It is true that by the beginning of 1998, the importers of tobacco products overcame this “unfortunate” omission. Advocacy campaigns against smoking were dull and primitive. The most widespread “argument” against smoking was “A drop of nicotine kills a horse” and the most common slogan in public places was “Smoking means – harm to health”. However, until the 1980s smoking was not widespread in Moldova, particularly among women. This was either because people from rural areas (who preserved a patriarchal way life even after they moved to cities) predominated in the population or because of some provincialism. In the mid-1970s, a woman smoking in the street was a rare sight. As a rule those women who did smoke were not young, they were former soldiers or gypsies. Smoking was socially inadmissible for rural women. Urban girls and young women regarded smoking as a sign of emancipation though, as a rule, they smoked at social gatherings, parties, in restaurants, and even then they risked being reported (or reprimanded?) by more conservative people.

Were there any attempts undertaken by the State with respect to smoking control? Due to the fact that it is now impossible to find many official documents related to smoking except the aforementioned “Soviet Trade Rules” to confirm (or contradict) one’s own observations, the author approached some specialists in health care and disease prevention who for many years have been concerned with smoking control in the past and at present.

Tudor Vasiliev, National Narcological Center Chief Physician and the coordinator of the National Tobacco Control Program since 1977, considers that “perhaps until the mid-1990s, until Moldova joined the World Health Organization, nobody here seriously considered the problem of smoking, or more precisely, smoking control issues. Smoking was considered a bad habit, probably uncomfortable for people around the smoker, not more. Research studies undertaken in Western Europe were known only to a limited number of oncologists and other specialists; Moldovan studies were not undertaken since, for a country prospering greatly from tobacco production and tobacco products, smoking control was not a priority”.

Mihai Magdei, one of the leading specialists in preventive medicine in Moldova and Director of the Scientific and Research National Center for Preventive Medicine from 1990 to 2004, has a rather different opinion: “Plans for smoking control were made earlier on - they were not considered national but they were. Thousands of leaflets promoting the idea of quitting smoking were printed, hygiene physicians delivered lectures in schools and at enterprises. It’s another matter that the arguments which were supposed to convince the people that smoking is harmful were very often ridiculous, especially compared with current beliefs. It’s enough to remember the slogan about a drop of nicotine killing a horse, or tales about experiments on mice... besides, there was a lot of formality in this type of activity. The most important thing was to organize an event and to provide a report, and nobody was interested in what happened after that. Nobody was thinking, for example, about offering some medical assistance to smokers. It was simplistically believed that smokers were just people without a strong character if they were unable to give up this silly habit. And there were not too many smokers”.

According to Ion Bahnarel, Deputy Minister of Health of the Republic of Moldova and Chief Sanitary Physician of the country, who worked in the system of preventive medicine for many years, “it is not true to say that nobody was doing anything to control smoking although, certainly, this was not a priority for the medical profession, or for the Moldovan community. Smoking was not as widespread as it is today. Women and children didn’t smoke, and it was considered impolite or impossible to smoke at work, especially if you did not have your own office. Smoking control was the task of the hygiene physicians who, we can say frankly, were not very inventive in public outreach activities. Lectures, discussions, memos – these were the most widely used methods for convincing people to quit or not to take up smoking. Advertisements? But, in the Soviet era, this only happened on certain issues and was it possible to call them advertisements? They were, in fact, public announcements, to which nobody paid attention. There was nothing special to control”.

### **1996-2004**

In mid-1990s, much more attention was paid to smoking and smoking control. To a great extent this was due to the fact that, after gaining its independence, Moldova became more active in foreign policy. The country became a member of such international organizations as the United Nations (UN), the World Health Organization (WHO) and other bodies, and began to restructure work internally in the country to take into account international priorities. By this time, the situation with regard to smoking had visibly changed. From a Former Soviet Union Republic, Moldova became an independent state. The country became more open and, as often happens, the people began acquiring new habits and new lifestyles without thinking too much about whether they are good or bad. Smoking was perceived by some as belonging to another world – richer, more open, and more independent; others demonstrated their emancipation, independence, and relaxation by smoking; and the rest were trying to forget about life’s problems and all the social and economical shocks ... Whatever the causes might have been, the result is of more concern. By the mid-1990s in Moldova, it was noticeable everywhere: not only men but also many women were smoking and smoking had become more popular among teenagers and children.



On May 4 1992, Moldova became member of the World Health Organization (WHO). Over the next two years, the Medium-Term Program (MTP) of collaboration with WHO was developed. In April 1995, the WHO Liaison Office began its program to coordinate and develop relations with the Republic of Moldova.

Activities within the health care system began to change to take into account the priorities set out in WHO guidelines, one of which is tobacco control. In 1997, the Ministry of Health of the Republic of Moldova nominated a National Coordinator to organize the activities related to tobacco control and the relationships with WHO/EURO in this area. For the first time the country participated in the development of, and debate about, the European Strategy for Tobacco Control (3rd Action Plan for a Tobacco-Free Europe, 1997-2001), which was approved in September 1997 at the 47<sup>th</sup> Session of WHO Regional Committee for Europe. Later, to comply with this plan, the “National Policy of the Republic of Moldova in the area of tobacco” and a draft law with the strange name of “Anti Tobacco Law” were developed<sup>46</sup>. Both documents represented the first attempts to formulate measures that, in the opinion of the authors, could contribute to a decrease in the tobacco smoking epidemic, widespread in the country by that time. Whether these documents could have been useful or not, is now impossible to determine. Neither document was ever officially approved, and the main point is that the country still has no clear and intelligible policy with respect to reducing smoking prevalence. However, certain provisions of these drafts were included in later laws (see chapter “Tobacco Legislation”) and, as a consequence, health warnings appeared on cigarette packs, the promotion of tobacco products on radio and television was limited and then totally prohibited, and publicity for tobacco in the press and on street stands was also limited.

Being a member of the World Health Organization, Moldova participated in the development of the WHO Framework Convention on Tobacco Control. In May 2003, the Minister of Health of Moldova voted for the text of the Convention at the World Health Assembly, demonstrating the intention of the country to sign this important international agreement. But, during the preparation of documents needed for the actual signing of the Convention by the representative of the Government, the Ministry of Agriculture displayed a totally negative position. The confrontation between Convention’s supporters and opponents lasted practically one whole year, but with public support, the signing of the Convention by Moldova was achieved. The Plenipotentiary of Republic of Moldova at United Nations, Vsevolod Grigore, signed the FCTC on June 29 2004, the last possible day for signature.

It can be presumed that the process of ratification will be even more difficult. The signing of the Convention was not expected by many cigarette importers<sup>47</sup>. Since they were probably aware of the position of the Ministry of Agriculture, they did not take additional steps to influence the Government (at least there were no obvious signs of this and no articles appeared in the press on this topic) and no contractions were organized. However numerous initiatives were undertaken by public organizations, in support of signing the Convention<sup>48</sup>, and some articles appeared in the

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<sup>46</sup> See: Vasiliev T., Marandici A., Cuzuioc I., Andreeva L. Problems of tobacco, alcohol and other drugs consumption control. – Chisinau, 1999.

<sup>47</sup> Personal communication from Irina Matsenco, journalist with “Economiceskoe Obozrenie. Logos Press”, who, at the end of May 2004, was working on an article about the increase, during recent months, in advertising by tobacco companies. Her view was that all the representatives of tobacco companies, with whom she talked while preparing the article, were convinced that Moldova would not sign the Convention.

<sup>48</sup> Workshops on Framework Convention and its importance for population health care, were held by the Moldovan Health Communication Network for a number of women and youth NGOs in Chisinau, Rezina and Balti; round table with the participation of representatives of the most important medical institutions, Ministry of Health, World Health Organization Liaison Office in Moldova, Parliamentarian Commission for Healthcare, a range of NGOs; preparation and dissemination of special bulletins on the Convention and other issues.

newspapers explaining the importance of this action<sup>49</sup>. In some of these articles and TV interviews, it was reported that the Ministry of Agriculture had agreed to sign the Convention but had forwarded some conditions which would have to be taken into consideration upon ratification.

One can judge the extent of future difficulties by the openly-expressed and hostile attitude to the Convention of the General Director of “BAT-Moldova” Lilia Casumova, in June 2004, when it was not known whether Moldova would or would not sign the Framework Convention: “Tobacco is a strategic raw material for Moldova and the WHO can’t interfere in the economic policy of the State. We support more rigid regulation of tobacco advertising, but we are against limiting communication with our own consumers, (who, by the way, are discriminated against by the Convention)”<sup>50</sup>. A month later, Ms Casumova expressed herself in even tougher terms with respect to the Convention and the fact that Moldova had signed it. Her statement gives clues as to what direction the tobacco lobby will take in the near future: “The accession to one more international document on tobacco control is not yet a guarantee of its fulfillment, because other domestic laws and regulations pertaining to the tobacco sector have failed to be realized... Moldova should take a very careful approach to signing the FCTC protocols on advertising and sponsorship, on prohibiting smoking in workplaces, on smuggling, on agricultural policy, on price formation”<sup>51</sup>. (It is interesting to note that this small article, whose author is the “Infotag” news agency, which appeared only in the English column of the newspaper “Kishinevskii obozrevatel” or “Chisinau Review” and is based on information from newspaper reporters, was prepared at the instigation of Ms Casumova).

As well as signing the Framework Convention, another important event for tobacco control happened in Moldova at the beginning of summer 2004. On June 16, the Prime Minister of Moldova signed a Disposition prohibiting smoking in the premises of Ministries, Departments and other Central and local public administration and management bodies<sup>52</sup>. This measure influenced some Ministries (Education and Science, Health, Social Insurance) to issue Orders prohibiting smoking in other organizations under their authority. There is no doubt it will not be easy to implement these orders, but the fact that such documents are being produced shows that Moldova is in line with world trends in strengthening tobacco control measures.

## **2.2. The Role of Civil Society**

It is difficult to exaggerate the role of civil society in formulating state policy on particular problems. The experience of many countries demonstrates that non-government organizations can have an important role in the mobilization of key players to participate more efficiently and effectively in the political process. In countries where social transformations are slow, and where state bodies (such as Ministries, Departments and local public administrations) are passive, non-government organizations can assume the role of leaders in developing and promoting public policies.

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<sup>49</sup> See: Gheorghita N. Money or Life? //Capitala. - June 2, 2004; Roitburd E. Smoke taking away health // Kishinevskie novosti. - May 28, 2004; Shavlberova S. Smoke free environment is not threatening Moldova? // Moldavskie vedomosti. - May 29, 2004; Matsenco I. Total prohibition of cigarettes publicity // Economiceskoe Obozrenie. Logos Press. - June 4, 2004, and others.

<sup>50</sup> Matsenco I. Total prohibition of cigarettes publicity// Economiceskoe obozrenie. Logos Press. - June 4, 2004.

<sup>51</sup> Signing anti-tobacco convention does not yet mean victory over smoking// Kishinevskii obozrevatel. – July 8, 2004.

<sup>52</sup>See: Disposition of the Government of the Republic of Moldova # 82 dated June 16, 2004 г. – Monitorul Oficial. - July, 2004.

Regretfully, the situation in Moldova is not ideal in this regard. Civil society in Moldova has insufficient experience of organizing itself due to the long tradition of a totalitarian administration. The authors of the “National Human Development Report, Republic of Moldova-2003” characterize the third sector of Moldova as follows: “The number of NGOs in the Republic of Moldova has grown steadily in the last decade, from less than 50 in 1993 to nearly 2,800 in 2002. In spite of that growth, many NGOs are still at a formative stage and are not close to becoming more autonomous and self-sufficient. Most of the non-government organizations involved in activities with significant social impact were created and are being supported only by foreign donors. Very few NGOs exist in rural areas, the most important ones being concentrated in the capital city”<sup>53</sup>. The authors of the report state that a number of NGOs, such as the Institute of Public Policies, the Centre for Strategic Studies and Reforms, the Institute for Development and Social Initiatives, Transparency International Moldova, the Centre of European Formation, the Association for Participative Democracy Development and others are acting as experts on national economic and political issues. Nevertheless they also comment that the impact of the NGO sector on the society is still insignificant. “Most people think that NGOs cannot influence decisions made at either central or local levels. The findings of the 2001–2003 Public Opinion Barometer Surveys based on representative national samples demonstrated that this opinion is shared by over 70% of Moldovans”<sup>54</sup>.

To date, the most extensive study of non government organizations and their activities - “Study on the Development of Non-Government Organizations in the Republic of Moldova” carried out by the National Assistance and Information Center for NGOs in Moldova “Contact” - states that “the legislative body approved the registration of an imposing number of organizations that exceeds 2700. International assistance offered to NGOs has substantially increased lately. Nevertheless, the NGOs that are really active are few. In the case of the functioning ones, it’s not always clear what programs they undertake, what finances are available to them, how transparent they are”<sup>55</sup>.

According to this study, NGOs in Moldova cover practically every field of activity. Nevertheless, most of them give priority to one concrete field, considering it their main purpose. So, one in four NGOs operates predominantly in the field of education and research, and one in ten concentrates more on such areas as health, culture, art and entertainment<sup>56</sup>.

In Moldova, NGOs have not yet been noticeably successful in influencing the decision-makers in the process of drafting and adopting different policies. Answering the questionnaire, 87% of registered NGOs indicated that they were cooperating with local or central public administration. The authors commented that “numerically this number is surprising, but on analyzing the nature of these collaborations, we observe that only 18 % have joint projects with local or central public administration, the same proportion is involved with various problems, and only 14 % of NGOs are contracted for special services or activities”<sup>57</sup>.

It should be added, that the Government does not put in enough effort, or demonstrate willingness, to co-operate with NGOs, although promises to do so have been given at the highest level. In March 2002, for example, the President of the country Vladimir Voronin, in addressing the forum of non government organizations said: “I believe that it is high time to ponder on the following: How could

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<sup>53</sup> National Human Development Report. Republic of Moldova, 2003. Good Governance & Human Development. – Chisinau: UNDP, 2003. – P.51.

<sup>54</sup> Ibidem, p.52.

<sup>55</sup> Study on the Development of Non-Governmental Organizations in the Republic of Moldova. – Chisinau: Arc, 2002. – P.3.

<sup>56</sup> Ibidem, p.10.

<sup>57</sup> Ibidem, p.32.

State power bodies dramatically improve their interaction with non-government organizations, or even delegate part of their responsibilities [to the latter]? Certainly, provided the appropriate financial means are allocated to them. These are envisaged by the State Budget anyway, but are not always efficiently used. Frankly speaking, we have to admit that non-government organizations could carry out much more effectively and even at lower cost many of the tasks which the State cannot really deal with for different reasons... The power should not hide from the people. Public hearings should be organized on all important issues, public opinion should be analyzed, and public committees bringing together qualified experts should be created. These things must be done at the Government, ministerial, municipal, and rural levels”<sup>58</sup>. However, only one year later, the President - being dissatisfied by the excessive political activity of some NGOs - spoke rather differently about the activity of the “third sector” and pointed out rather toughly with respect to the eventual NGOs spheres of activity<sup>59</sup>.

In spite of the variety of NGOs and their spheres of activity (at least those declared in their statutory documents), there are no NGOs dealing specifically with tobacco control in Moldova. The most active in this area has been **the Moldova Health Communication Network (MHCN)** – a small non-government organization whose main objective is uniting the efforts of journalists, doctors and other health advocates to strengthen health and healthy lifestyle promotion.

The journalists who created the Moldova Health Communication Network began their activity as tobacco control advocates and did not consider, at that time, creating an NGO. The first voluntary activity in 2000 was an opinion poll on smoking among the female students of the Moldovan State University. The results of the poll served as the basis for a special edition of the newspaper “Journalist” and were useful in preparing measures to help reduce the number of students who smoke (including prohibiting smoking in University premises).

Since 2001, MHCN has monitored the coverage of tobacco issues in the Moldovan press and has disseminated information on tobacco control policy amongst journalists writing on health issues. Under the auspices of different projects<sup>60</sup>, members of the organization have held seminars and training sessions for youth and women NGOs, striving not only to disseminate information on the harm smoking causes, but also to extend the number of tobacco control activists. MHCN has organized radio reports on smoking on the National Radio of Moldova, “Antena C” (Chisinau) and “Sanatate” (Edinet) radio stations, and has prepared and distributed press kits on different aspects of tobacco control along with antismoking posters etc. In cooperation with some youth NGOs and the WHO Liaison Office in Moldova, for the last five years, MHCN has organized an annual drawing and writing competition called “Let Us Grow Up Without Tobacco!” for children and youth involving a large and growing number of participants.

The journalist members of the organization organized opposition in the Moldovan mass media to the so-called youth educational campaign which British American Tobacco attempted to organize in Moldova in 2001 (see chapter “Transnational Tobacco Companies in Moldova”). In 2004, as part of the MHCN project “Advocating for Policy Changes”, the main purpose of which is strengthening tobacco control policy in Moldova, the organization carried out the first national survey of knowledge, behavior and attitudes to smoking and tobacco control (see chapter “Smoking in Moldova”). MHCN has also organized several meetings with journalists, a round table with policymakers, doctors and NGO representatives and a workshop for tobacco control activists; it has also prepared and distributed to journalists and decision makers special bulletins to inform the public and politicians about key provisions of the WHO Framework Convention on Tobacco

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<sup>58</sup> Civic Voice. – March-April, 2002. – P.3-4.

<sup>59</sup> Civic Voice -

<sup>60</sup> Tobacco Free Initiative Communication Initiative “Don’t Be Duped – Tobacco Kills” - 2002; Swedish Project of Young and Free – 2003.

Control, and to persuade the Government of Moldova to sign this extremely important international agreement<sup>61</sup>. Together with the Health Promotion and Disease Prevention Project (financed by the European Union), MHCN helped organize a Quit & Win campaign in the southern part of Moldova.

**The Youth NGOs “Youth for the Right for Life” and “Young and Free”** are recognized leaders among NGOs. Their main focus is on drugs, alcohol and HIV/AIDS control and on promoting a healthy way of life among youth. These two organizations are MHCN partners for various activities with young people. They have also organized various workshops and training sessions for young people, during which they always pay attention to smoking control because they consider smoking to be the first step to drug addiction. They give advice to those who want to quit smoking through the “confidential phone”- a special helpline organized to offer psychological support to drug users. Not long ago, the activists of these organizations began a campaign about smoking in public transport (Maxi Taxies). It is interesting to note that the rules of these organizations say that their members cannot be smokers.

In 2004, the NGO **“Rural and Social Initiative”** started some tobacco control activity for the first time. This is one of the few rural NGOs. It has a typically wide and vague range of aims and objectives – from creating and consolidating democratic social capital for sustainable youth development to implementing special youth programs to prevent HIV/AIDS. With a small grant from WHO/EURO, the organization held two workshops for activists in rural youth organizations about WHO Framework Convention on Tobacco Control.

Regrettably, this ends the list of NGOs that are, in part, dealing with tobacco control. It is even more unfortunate that no medical association, such as the society of cardiologists, oncologists or pulmonologists, has paid much attention to the issue even though they could have contributed enormously to efforts to create a comprehensive national tobacco control program. The associations of consumers and numerous women and youth organizations are similarly disinterested in tobacco control. More accurately, they will participate in an activity – attending a seminar, round table or press conference – and demonstrate a level of interest but they do not go beyond an “expression of intentions”. There are many reasons for this. First of all, these are, of course, the usual problems which directly affect the activity of the majority of NGOs – lack of funds, premises, means of communication, community support, lack of knowledge of foreign languages which makes it difficult to write and submit projects to, or establish relations with, foreign donors and organizations, or even to read the necessary information. One in three NGOs is confronted with such issues at present<sup>62</sup>. One in eight of Moldovan NGOs does not have the capacity to fully develop its activity because of lack of qualified personnel, or because of cooperation issues, or because of management problems. These NGOs are also confronted with low motivation among their members and insufficient member involvement in the NGO’s activity<sup>63</sup>.

In the case of tobacco control, the situation is even more complicated. People see the contradictory positions taken by the Government with respect to smoking and tobacco production and tobacco products; they know who is supporting the local tobacco producers; they listen to and read about the owners of the tobacco-importing companies and the stands selling tobacco products. Against this backdrop, people do not really believe in the possibility of change and prefer not to complicate their lives by getting involved.

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<sup>61</sup> The Convention was signed on June 29, 2004 by the Plenipotentiary Representative of Moldova in UN Vsevolod Grigore.

<sup>62</sup> See: Study on the Development of Non-Governmental Organizations in the Republic of Moldova. – Chisinau: Arc, 2002. – P.41.

<sup>63</sup> Ibidem.

### 2.3. Legislation on Tobacco

According to the National Lawmaking Centre, there are about 340(!) different laws and regulations directly or indirectly related to tobacco growing, manufacture, sale and promotion<sup>64</sup>. The majority of these are in standard acts of the Ministry of Agriculture, of the Ministry of Health (for example, the Ministry of Health Regulation “Regarding the hygiene standards of nicotine, tar and residuals of dytiocarbamic pesticides in tobacco and cigarettes”) and other Ministries and Departments. They are aimed primarily at people engaged in tobacco growing and in the production and sale of tobacco products. This long list includes two key documents which form the basis for tobacco control efforts nowadays: Law # 386-XY dated July 19 2001 “Law on tobacco and tobacco products”<sup>65</sup> and Law # 1227-XIII dated June 27 1997 “Law on publicity”<sup>66</sup>.

#### *Main documents regulating tobacco consumption in Moldova*

It is worth noting that although the history of tobacco production in Moldova goes back more than a century, except for technical instructions (the so-called Technical Conditions - TU and State Standards - GOST) no documents regulating it were available until July 2001, when the Parliament adopted the above law. The Ministry of Agriculture initiated and drafted this law. The main purpose of the law was to establish the legal and economic basis for the production, processing and sale of tobacco and tobacco products, and to regulate the legal relations between state bodies and economic entities. Only 19 articles relate to the protection of health.

Thus, in Chapter II “Tobacco Production and Processing” there is a provision prohibiting the involvement of minors and pregnant women in the cultivating, harvesting and processing of tobacco (Article 5, point 2h). There is a similar prohibition in Chapter III “Industrial Processing of Tobacco” (Article 8, point 2f). These prohibitions were not new in 2001. They had previously been incorporated in Departmental Instructions (and they are violated nowadays, just as routinely as they were in earlier times<sup>67</sup>).

Chapter IV – “Tobacco and Tobacco Products Sale” is more interesting from the point of view of tobacco control. According to Article 11 “Tobacco products retail” (p. 1 a, b) of this Chapter, only persons of 18 years or older are allowed to sell tobacco products and this is on condition that there is a licence for retail sale and that certain other documents required by law accompany the goods. The sale of tobacco products is prohibited:

- through a mobile trade network (from motor vehicles, trailers, carriages etc.), by peddling, from any unauthorized trays and counters (in the streets, roads, in courtyards, in premises (rooms) etc.), and also in business premises of less than 4 square meters in area;
- in the grounds of school, preschool and medical institutions, in sports centers and halls, stadiums, etc (p. 3b);
- without notices on the pack regarding nicotine and tar content (p. 3e);
- without inscriptions warning that smoking is harmful to health (p. 3f);
- with nicotine and tar levels higher than prescribed levels (p. 3g);

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<sup>64</sup> See attachment 1.

<sup>65</sup> See attachment 2.1 or [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=605&txtYear=2001](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=605&txtYear=2001)

<sup>66</sup> See attachment 2.2 or [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=507&txtYear=1997](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=507&txtYear=1997)

<sup>67</sup> On August 24 the evening news on Moldovan TV reported from a southern village in Moldova on who cultivates tobacco and in what conditions. 90% of the workers working in the fields and dealing with drying tobacco were women and children. It was openly stated, not only by the correspondent but also by the managers of the farm, that this is not an exception but the rule.

- from open packages, except for cigars (p. 3j);
- to persons under 18 years (p. 3l).

Several of the above prohibitions (for example, p.3f, l) were incorporated in earlier instructions and dispositions but, in general, they were introduced for the first time with the 2001 law.

Article 12 “Tobacco Products Advertising”, of the same Chapter, was a tremendous step forward in strengthening tobacco control. This article forbids the advertising of tobacco products on radio and TV and all outdoor advertising, except at the point of sale. Before that the 1997 “Law on publicity” only limited the time of direct promotion of tobacco and tobacco products - if the publicity spot included “the process of tobacco and tobacco products consumption”, it could only be broadcast after 11.00p.m. Since the placing of a pack of cigarettes against a background of a beautiful landscape was not considered direct promotion, and since it was impossible to “show” something on radio, this earlier prohibition was purely academic.

Chapter V of the Law, titled “Consumers’ Rights Protection” has three Articles<sup>68</sup>. The first – Article 13 “Right to Information Regarding Tobacco Products Quality” – regulates the information about tobacco products that must be printed on each pack. This is:

- information regarding nicotine and tar content, conforming to ISO 10315 and ISO 4387 standards (p.3a);
- the warning “smoking is dangerous for your health” (p.3);
- the statement “sale to minors is prohibited” (p.3).

Article 14 provides for limits on smoking in public places. The Law prohibits smoking:

- a) in any places at risk of fire;
- b) in school, preschool and medical institutions;
- c) in cinemas, theaters, circuses, concert halls, museums, libraries, exhibition halls and other public institutions, except for specially equipped facilities.

Finally, Article 15 of this Chapter provides for regulation of the quality of tobacco and tobacco products. In particular, the Law prohibits the production, importation and sale of tobacco products with nicotine, tar and other adverse substances exceeding the established limits. Tobacco and tobacco products produced, imported or sold which violate the requirements of the present Law can be confiscated. Confiscated goods are subject to destruction under a procedure established by the Government<sup>69</sup>.

Chapter VI “State Control of Tobacco Industry” describes the bodies authorized to carry out the state controls on the production and sale of tobacco and tobacco products (Article 16) and explains exactly what is considered a violation of this Law (Article 17). As the Law was drafted by tobacco producers mainly for tobacco producers, only violations relating to tobacco processing, production of tobacco articles, import-export of tobacco and tobacco products are provided and explained. Violations related to the sale of tobacco products or to smoking in public places are scarcely

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<sup>68</sup> According to the Chief Sanitary Physician of Moldova, Deputy Minister of Health Ion Bahnarel, this chapter and others were not included in the original draft of the law but were introduced at the insistence of the Ministry of Health which, along with other interested Ministries, gave comments on the draft before it was debated by the Government.

<sup>69</sup> What was to be done with any confiscated cigarettes, including smuggled goods, was only decided three years after the adoption of the Law – in Spring 2004.

mentioned: “(1) The following refer to violations of the present Law.... (i) non compliance with limits provided in Article 14”. What sanctions may be applied to those who break the Law and who shall apply these sanctions is not clear because the Law describes this in general terms: “central and local public administration bodies within the limits of their competencies”<sup>70</sup>.

Article 18 concerns “State Support of Tobacco Industry Development” and is important for the tobacco industry. According to this article, “the State stimulates and supports the development of tobacco industry through its economic instruments”. To this end, the Ministry of Finance is supposed to allocate annually 10-15% (!– I. Z.) of excises on tobacco and tobacco products to a special account in the Ministry of Agriculture and Food Industry which would administer the Fund. The resources of the Fund are supposed to be used “on proposals put forward by the National Agency for Tobacco Industry Development to finance scientific research in this field, on selection and seed development and on **activities related to consumers’ health protection** (underlined by the author. - I. Z.)<sup>71</sup>.

The Law was published on August 3 2001 in a special government edition of the “Official Monitor of the Republic of Moldova” # 92-93 and entered into force upon its publication, except for points 3e and 3f of Article 11 (information on nicotine and tar content and health warning) for which a longer timeframe was provided for the producers and importers of cigarettes till January 1 2002; and Article 18 (on the creation of the Fund) which was supposed to enter into force simultaneously with the 2002 Budget Law.

Two years later – in February 2003 - the Parliament again debated the Law on tobacco and introduced some amendments and modifications to the Law on publicity<sup>72</sup>. The Law on tobacco was amended to include clauses needed by tobacco producers which did not change its main purpose. Of much more interest from the point of view of tobacco control, were the amendments incorporated into the Law on publicity<sup>73</sup>. Article 19 “Particularities of certain types of goods and services publicity” was amended. A rather lengthy new section appeared in it, related to the promotion of tobacco products. The amended Law stated: “(2) Tobacco products publicity on radio and TV, as well as outdoor publicity, except in places of their production and sale is prohibited. Direct publicity (including the process of tobacco and tobacco products consumption) should not:

- a) create the impression that smoking contributes to personal or public success or sports achievements, or to the improvement of physical or psychological well-being;
- b) discredit abstinence from smoking or include information on positive therapeutic properties of tobacco and tobacco products or present their high quality as worthwhile.
- c) be addressed directly or indirectly to teenagers, or include images or statements by celebrities popular among teenagers;
- d) disseminate in any form on radio or TV reports, films, publications addressed to teenagers;

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<sup>70</sup> Monitorul Oficial (Official Monitor), # 92-93. – August 3, 2001 or [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=605&txtYear=2001](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=605&txtYear=2001)

<sup>71</sup> Ibidem.

<sup>72</sup> See: Law on amendments and modifications of the Law # 386-XY from July 19, 2001 on tobacco and tobacco products and Article 19 of the Law # 1227-XIII from June 27, 1997 on publicity. Official Monitor of the Republic of Moldova # 35-37 from March 7, 2003 or [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=744&txtYear=2003](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=744&txtYear=2003)

<sup>73</sup> Monitorul Oficial (Official Monitor), # 67-68. – October 16, 1997 or [http://www.docs.md/monitor.asp?Lang=RUS&Ist\\_ID=507&txtYear=1997](http://www.docs.md/monitor.asp?Lang=RUS&Ist_ID=507&txtYear=1997)



- e) be placed on the front page or last columns of newspapers and magazines, or on magazines covers;
- f) be distributed in child and educational institutions, medical institutions”.

The existing Article requiring publicity to include a warning about smoking being harmful to health was changed to: “(3) Direct publicity of tobacco and tobacco products in all cases should be accompanied by a warning regarding smoking harm, moreover this warning in TV and radio programs, films shall not last less than three seconds of the publicity spot air time, and upon advertising by other means - not less than three per cent of the publicity space”.

On June 16 2004, the Prime Minister of the Republic of Moldova, Vasile Tarlev, issued Disposition # 82 prohibiting smoking in the premises of Ministries, Departments and other central and local public administrations bodies, starting from July 1 2004. Based on this Disposition, many Ministries and Departments issued their own orders regarding the prohibition of smoking in their premises<sup>74</sup>.

Thus, there is no sole legal document in the country whose main purpose is to regulate, if not all then the main, aspects of tobacco control. Separate provisions are dispersed in different documents, and this is not optimal for influencing the situation with regard to tobacco control. Here is just one example. The above mentioned Government Disposition regarding banning smoking in government buildings provoked diverse reactions in the press, in society and among public officials, who were the first to implement it (the Prime Minister threatened those who continued to smoke in public premises with dismissal). Some people thought it was a joke, some doubted the effectiveness of this decision, and some people recalled that similar documents had already been adopted earlier. So, Mihai Petrachi, one of the Deputies of the Moldovan Parliament, in a conversation with a journalist from the weekly “Chisinau Review” said: “By issuing the Disposition Vasile Tarlev has interfered with the powers of the Parliament. I mean that already in 1990 the Parliament adopted a similar Decision, which was not cancelled by anybody. That is why it is desirable that the Government first studies the existing standard acts before issuing new Dispositions”<sup>75</sup>. (Regretfully, it has not been possible to find the 1990 document mentioned by the Deputy and therefore it is difficult to judge whether he is right or whether that Decision was overridden in 2001 when the Law on tobacco and tobacco products came into force. In any case, if the document mentioned by the Deputy was still valid and being observed, the Prime Minister would hardly have been obliged to issue a new regulation).

At the end of 2002, an attempt was made in Moldova to draft a Law aimed at controlling smoking. The initiator of this exercise was the former Minister of Justice Ion Morei. One can only guess as to why, all of a sudden, the Minister of Justice (and not the Minister of Health which would have been more understandable) decided to control smoking. Furthermore, at exactly the same time – December 2002 – there was information in the press that Morei was the owner of “Dermax-exim” – one of the seven companies or dealers which were practically managing the biggest producer of tobacco products in Moldova, the factory *Tobacco-CTC*<sup>76</sup>. It was impossible to get reliable information on this matter. The employees of the Ministry of Justice did not know how to answer

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<sup>74</sup> See: Disposition regarding smoking prohibition in the premises of Chisinau municipality Mayor’s Office// Capitala (Capital). - July 7, 2004.

<sup>75</sup> Smoking control: tobacco file. Can the Prime Minister order the Deputies?// Kishinevskii obozrevatel (Chisinau Review). - July 8, 2004.

<sup>76</sup> Manole Ion. “Mishin, give smth to Voronin too”// Flux. - December 5, 2002, p.1.

questions as to why the Minister had become concerned with the problem of smoking - they just shrugged their shoulders and pointed to the ceiling, meaning an order from above. Then at the beginning of 2003, when the first debate on the draft Law took place in the Government, Mr Morei was suddenly dismissed and disappeared from the political arena. Whatever the reasons were, the fact remains that at the end of 2002 employees of the Ministry of Justice were ordered to urgently prepare a draft Law on smoking control. At the same time the Minister of Justice addressed the National Lawmaking Center, a recently created organization whose purpose is to draft Laws and regulations for examination by the Parliament. Work on the draft was finished at the same time – December 17, 2002. The Ministry of Justice sent its draft called the “Law on some restrictions regarding tobacco products smoking” to members of the Government in Ministries and Departments for preliminary examination – a process known as countersigning. A little bit later, the National Lawmaking Center sent to the very same people its draft law, then called the “Law on preventing and limiting tobacco products consumption” (later it was renamed the Law on tobacco control and prevention”). Only then, when somebody in a Ministry noticed that they had recently made comments on a similar draft Law and called the National Lawmaking Center, did the employees of both organizations (ten minutes distance from one another) find out that they were working on one and the same Law at exactly the same time.

There is no point in commenting on either of these draft laws because they had a similar fate: the Ministry of Justice’s draft law was severely criticized during the first debate by the Government. The National Lawmaking Center was assigned to continue to work on its draft law which has since been debated many times. While it is only four pages long, it has generated ten pages of comments and proposals from eleven different Ministries. Regretfully, many of comments received confirm that those involved know little or nothing about international practice on tobacco control, or about the recommendations of WHO or about existing research in this field. The most terse response was from the Ministry of Agriculture which simply rejected the idea of such a law: “The draft Law is considered inopportune, due to the fact that the provisions included in it may be found in Law # 386-XV on tobacco and tobacco products”<sup>77</sup>. Attempts by the authors of the draft to take into account the contradictory opinions provided by the different parties to the process resulted in a draft law which was so weak that its adoption would have raised the usual ironic reactions in the press and in the community. The Center’s employees understood their draft was flawed and sought the views of international experts provided through the Health Communication Network. On considering the experts’ recommendations, the Center decided to withdraw the draft altogether and to concentrate on drafting amendments to existing laws, whether or not they are directly concerned with tobacco control. The amendments were drafted by June 2004 and, at the time of writing, had been sent to interested Ministries and Departments for comment.

This story demonstrates once again and, in a vivid way, that there is a lack of order in the legislative processes of the country, that there is little or no clear state policy with respect to tobacco control, and there is no responsible authority or coordinating mechanism for this important public health issue for the nation. This situation is symptomatic of a wider problem identified, on another occasion, by the Special Coordinator of the Stability Pact for South Eastern Europe Countries Erhard Buzec - “the main problem of Moldova is lack of clear policy”<sup>78</sup> .

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<sup>77</sup> Synthesis of objections to the draft Law on tobacco control. – Internal document of National Lawmaking Centre.

<sup>78</sup> Severin I. Interview with the Special Coordinator of the Stability Pact for the South Eastern Europe countries. Erhard Buzec// Kishinevskii obozrevatel (Chisinau Review). - February 5, 2004.

## **Chapter 3. Smoking in Moldova**

### **3.1. Key Findings from the First National Survey of Smoking Knowledge, Attitude and Behaviour**

Despite the fact that WHO publications and representatives of the National Centre for Preventive Medicine and other medical institutions refer to basic information about smoking prevalence in Moldova on various occasions, we could not find either documented results of any smoking survey, or questionnaires and description of survey methodology.

In December 2003 sponsored by the OSI the NGO Moldova Health Communication Network had the possibility to carry out practically the first survey on smoking knowledge, attitudes and behaviour. The survey is the largest of its kind (and most likely the first) to have been conducted among the population of Moldova. A total of 1.106 people aged 14 to 60 were interviewed at home, in either Romanian or Russian, between 14 to 20 December 2003. The sample is representative of the adult population of Moldova.

The questionnaire for this survey included 72 questions (without questions on demographic data). Below is a brief overview of the most important questions.

#### ***Overall smoking prevalence. Gender and smoking prevalence.***

A clear majority (58%) of Moldovans have tried smoking at some point in their lives. Currently, nearly three in ten (30%) of all adult Moldova residents smoke tobacco every day and a further 8% are near-daily or occasional smokers, totalling some 1.3 million people over the age of 14 years. There is a highly significant difference between rates of smoking amongst men and women in Moldova. One half of Moldovan men (49%) smoke every day compared to only 5% of Moldovan women. A further 13% of men are occasional or near-daily smokers while only 3% of women smoke occasionally or almost every day. Overall, then, nearly two in three men (62%) smoke tobacco compared to less than one in ten (8%) women.

#### ***Age and smoking prevalence.***

There are significant differences in smoking prevalence between age groups. Young adults aged 19 to 40 years are most likely to smoke and prevalence declines as age increases. Overall, 44% of young adults smoke: 35% every day and a further 9% occasionally or almost every day. Nearly one in four (24%) teenagers aged 14 to 18 smokes: 10% every day and a further 14% occasionally or almost every day. Smoking prevalence remains high in middle aged people aged 41 to 60 years. More than one in three (35%) in this older age group smokes: 29% every day and a further 6% occasionally or almost every day.

#### ***Urban/rural location, education and smoking prevalence.***

There is virtually no difference in smoking prevalence by residential area with 30% of both rural and urban dwellers smoking on a daily basis and a further 8% to 9% smoking occasionally or almost every day.

There is a small difference in current smoking status and level of education achieved, with somewhat lower rates of regular smoking amongst those people with a tertiary or post-graduate education.

#### ***Occupation and other demographics and smoking prevalence.***

There are interesting differences in smoking prevalence between occupation groups within the population. Overall smoking rates range from 16% of those who are housewives or retired to 55% of those who are unemployed.

The occupation group with the highest rate of daily smoking is that of the self-employed or businessman, among whom nearly half (45%) smoke every day. While students have a relatively low rate of daily smoking at 17%, a further 13% of students smoke occasionally or almost every day.

There are very few differences in smoking prevalence in terms of the other demographic indicators captured by the survey: nationality, marital status or income level. Looking just at daily smoking, it is interesting to note that nearly four in ten (38%) of those respondents with a higher than average income smoke every day compared to 26% of those respondents with no income.

Smoking rates are similar amongst Moldovans from all national groups with daily smoking prevalence of 29% amongst Romanians, 31% amongst Russians and 32% amongst Ukrainians. Marital status – whether single, divorced, separated, widowed or married – has no impact on smoking prevalence.

### ***Reasons for smoking.***

Current smokers (regular and occasional) were asked to nominate the reasons they smoke from a list of statements and then to identify the single most important reason for smoking. The most commonly reported reasons for smoking are that ‘smoking is a habit’ and that ‘smoking helps me to relax’. Ranked in order of importance, the responses were as follows:

Smoking is a habit

Smoking helps me to relax

Feel the need to smoke/dependent

Smoking gives me pleasure

Fun/amusement

Have nothing to do/I am bored

Like to keep a cigarette in my hand

Smoking stimulates me

Curiosity

Male and female smokers both nominate the same top four reasons for smoking. This pattern was also true for people in both urban and rural locations. Only when considering different age groups, do slightly different responses emerge. It is very noticeable that among young smokers, aged 14 to 18 years, there is less recognition of smoking being a habit or dependence. Young smokers are significantly more likely to say the main reason they smoke is because they feel bored and have nothing to do.

### ***Age of first cigarette.***

Those respondents who had ever tried smoking (N=643) were asked at what age they had their first cigarette. One in five (19%) Moldovans try smoking as young children or in their early teenage years. By the age of 18 years, 41% of Moldovan people have tried smoking.

The problem is much greater amongst boys than girls: nearly one in three (31%) of boys have smoked their first cigarette before the age of fifteen. By age 18, nearly two out of every three boys (63%) have tried smoking. Overall, the age at which people are most likely to first try smoking is 15 to 18 years. A very small number (2%) of people have their first cigarette after the age of 25 years.

### ***Tobacco consumption. Usual quantity of cigarettes purchased.***

Current smokers were asked how many cigarettes they smoke per day. Overall, the highest proportion of smokers consume between 11 and 20 cigarettes per day (40%).

Once again, there are significant differences between men and women. Of those women who smoke, one in three (32%) smokes 11 or more cigarettes per day, while more than half (52%) of male smokers do so. One in ten (11%) of male smokers consume more than a pack per day.

The amount of cigarettes smoked per day varies greatly across occupation groups. Students, housewives and retired people tend to be lighter smokers, while the self-employed, businessmen, farmers and agricultural workers tend to be heavier smokers.

There is no difference between employed and unemployed smokers when it comes to the amount of cigarettes smoked per day.

An overwhelming majority (75%) of Moldovan smokers buy their cigarettes in packs of 20 cigarettes, with a further 8% buying them as single cigarettes and 9% buying in cartons of ten packs. The remaining 9% say that it does not matter to them what quantity they buy.

It is striking that younger smokers are much more likely to buy single cigarettes. One quarter (25%) of smokers aged 14-18 years prefer to buy single cigarettes and this rises to one-third (34%) of students who are smokers. Twenty per cent of smokers who are self-employed or businessmen buy prefer to buy their cigarettes in cartons of ten packs.

### ***Dependence on tobacco.***

One of the widely-accepted indicators of dependence is the need to smoke upon waking as blood nicotine levels have dropped during sleep. Current smokers were asked whether they feel the need to smoke immediately upon waking and a clear majority (58%) said they did. Those indicating this dependence are more likely to be men, in the older age group, and living in rural areas.

### ***Smoking at home and in public places.***

Overall, nearly four out of five smokers (78%) usually smoke at home. While there is virtually no difference by gender, it appears that rural smokers are more likely to smoke at home (86%) than urban smokers (67%); and only one third (32%) of young teenage smokers usually smoke at home. Overall, half of all smokers (50%) currently smoke at their place of work although this varies widely by occupation group. Of those who do smoke at work (N=210), a clear majority (61%) usually smoke in the presence of their non-smoking colleagues, and nearly one half (47%) claim they smoke in enclosed space such as offices or corridors whether or not there are open windows or air-conditioning.

### ***Understanding of harm caused by smoking.***

A very high proportion of Moldovans from all walks of life (86%) consider that people smoking near to them is harmful. Inevitably, non-smokers are much more likely (95%) than smokers (73%) to think that cigarette smoke is harmful.

All respondents were asked whether they agreed or disagreed with a number of statements about smoking. The overwhelming majority of Moldovans agree that smoking may cause cancer, lung disease, heart disease and be harmful during pregnancy; although on all these points non-smokers are slightly more likely to agree than smokers. A clear majority also agree that tobacco is a drug. There is much less agreement about whether a smoker can give up any time s/he wishes with 62% of non-smokers believing this is so compared to 41% of smokers.

There is also disagreement and confusion about whether light cigarettes are less harmful for health than regular cigarettes. Nearly three in ten (28%) of Moldovans say they do not know whether light cigarettes are less harmful. Nearly half (45%) of smokers believe this to be the case.

### ***Attitudes to tobacco control legislation.***

Overall, more than two-thirds (69%) of Moldovans believe there should be a law to control tobacco products. Non-smokers are much more likely (81%) to consider a tobacco control law is necessary than smokers (49%). However, knowledge about current regulations governing tobacco and smoking varied widely. On the whole smokers were more likely than non-smokers to believe that specific laws exist.

### **3.2. Data on Smoking in Moldova from International Surveys**

In 2003 Moldova has been included in Global Youth Tobacco Survey. Unfortunately the report on this survey has not been published yet. But thanks to colleagues from the National Centre for Preventive Medicine we can present here some of the results of this survey.

#### ***Overall smoking prevalence. Gender and smoking prevalence.***

Over 4 in 10 (43%) of students have ever smoked cigarettes. Almost half of ever smokers started smoking before the age 10. For current tobacco use, 15 % of students are currently using cigarettes; boys are significantly more likely than girls to use cigarettes. The percent of ever smokers and current cigarette smokers is significantly higher in Chisinau and other urban regions than in rural regions.

#### ***Dependence on tobacco.***

Almost 1 in 10 current smokers always feel like having a cigarette first thing in the morning and two-thirds of never smokers are likely to initiate smoking during the next year. Girls who had never smoked were significantly more likely than boys to indicate they were likely start smoking the next year.

#### ***Smoking cessation.***

About half of current smokers among students expressed the desire to stop smoking. More than 4/5 (81.0 %) tried to stop smoking last year, but failed. Almost the same number (80.3%) received help or advice to stop smoking.

Current smokers were significantly more likely than never smokers to be exposed to smoke at home (76.2% vs 55.1%); from the father (52.2% vs 36.3%); from the mother (13.2% vs 4.1%); from sister/brother (32.1% vs 11.2); from best friends (44.6% vs 13.6%) and from others (48.6% vs 36.1%).

#### ***Smoking at home and in public places.***

Practically all students (97% of current smokers and 95% of never smokers) were exposed to smoke from others in public places. Never smokers (94.8%) were significantly more likely than current smokers (77.4%) to think smoking should be banned from public places. The boys who currently smoke and students in rural schools are more likely in their desire to ban smoking in public places. Only two in ten students think smoke from others is harmful to them.

About 1 in 10 current smokers usually smoke at home. About two-thirds of current smokers purchased cigarettes in a store and 76.0% were not refused purchase because of their age.

## **Conclusions and Recommendations**

In spite of the fact that a big number of Moldova's inhabitants smoke, and this negatively affects the population health – the number of oncology and cardio vascular diseases increases; although there are direct and indirect evidences that in the nearest future the number of smokers will increase, in our opinion, tobacco control in Moldova is more declarative. First of all, this is manifested by the fact that the majority of activities aimed to decrease smoking spread, were undertaken (and are undertaken) with a lot of delay, when certain tendencies, habits, relations connected with smoking had been already established in the society and it is rather difficult to influence the public opinion.

So, the prohibition of publicity on the streets was made when it had already played its role in involvement of women and young people in smoking, to which it had been planned. Moreover, as our own data state, by the time of publicity prohibition on the streets, the consumers simply ceased paying any attention to it. The prohibition of publicity in published editions was adopted when practically they stopped publishing it, because as a source of information it ceded its positions to radio and television and the quality of such publicity in white and black newspapers could more frighten, than attract the consumer.

The undertaken measures always had (and have) a halved character. Thus, establishing by law the requirement to place on boxes of cigarettes the warning regarding cigarettes harmful character, the lawmakers didn't indicate what surface of cigarette package this text shall occupy and as a result it is printed as small, as the modern polygraphist equipment permits. Prohibiting street publicity, they left it in places of sale and as a result the publicity increased three times, because on stands it can be placed on three sides and the stands themselves are placed in most popular places. Prohibiting the publicity of tobacco products on the first and last pages of editions, they "forgot" or didn't want to make this prohibition complete, the articles regarding the publicity of tobacco companies activities – parties, lotteries, "sports" competitions, contests as well as articles colorfully describing the extraordinary advantages of new types of cigarettes, are safely published on internal pages, and exactly on those where the most interesting for readers articles are published.

Publicity actions, which much more attract the consumer than street publicity and publicity in the press, such as different kinds of lotteries, contests have never been limited or regulated.

Economic measures, capable to decrease cigarettes consumption, such as increase of excises on tobacco articles, were only once introduced during the last ten years (and this has been done not for limiting the spread of smoking, but to "defend" the domestic producer). But they were canceled after several months under the pressing of cigarette importers.

The worst thing is not the weakness of existing laws and dispositions, but the absence of a real mechanism for their implementation, control on their execution. The Chisinau airport can hardly be considered a place for selling tobacco products but even at present the departure hall is full of tobacco publicity and the litter bins are placed in such a way that for a non smoker to find a no smoking corner is practically impossible. The many years of correspondence of the Chief Sanitary Doctor of the country (!) with the airport management on this issue has brought no results yet, and this is not a simple inhabitant but an official person whose directives, within the framework of competencies, are obligatory to execution. Smoking in public areas is punished by penalties – very insignificant, but penalties. But, as nobody has ever seen a horse dying of the notorious drop of nicotine, as nobody in Moldova has ever seen a penalized smoker. The owners of oil stations often place publicity shields, motivating that they place them on private territory and the taxi drivers smoke in the presence of their passengers saying that this is their place of work. And nobody is disciplining either the first, or the second, although there are bodies, who are obligated to do this.

Our opinion with respect to the declarative character of measures undertaken in the country to limit smoking is confirmed by the fact that twice during the last ten years the Government and the Parliament adopted the Program for tobacco industry development, which does not provide decrease of the volume of cigarettes production for internal consumption (or at least limiting it to present volumes) but provides its increase. According to the same Program the deductions from cigarette sale shall be allocated to the Tobacco Industry Development Fund, and not at all on activities decreasing smoking harm. Time will show how lucrative this Program is, but it is adopted by the Parliament and the necessity to assist the tobacco industry is permanently mentioned from high tribunes. Anyway, there is no National Program on smoking control, as well as there is no mentioning of the necessity of smoking control in the draft of the National Policy in Healthcare.

The country lack not only the Program on smoking control, it has no coordinative body for this activity, too. The Ministry of Health occupies a passive position with respect to smoking.

The role of the public, non governmental organizations in smoking control in Moldova is very insignificant, yet. There is no understanding regarding the danger of smoking to health, the negative attitude to it has not yet been formed. Moreover, the struggle for survival in which the majority of the population of the country is involved for more than one decade, the lack of a clear perspective, hopes for the future, brought to the situation when desperate, tired people are not very keen on their health, and even life, and often are getting away from everyday troubles and stresses using the simplest and available means – alcohol and smoking. Those who are aware of smoking harmful character, not always can and want “to suffer for the society”, even if because they see the inconsistency and indecisiveness of the State, obliged to protect the health of its citizens.

If the State is really interested in decreasing the smoking epidemic, encompassing Moldova during the last decade, the following is important and imperative:

- To draft and adopt a real National Action Plan on Tobacco Control and to determine the organization, responsible for its implementation;
- To review, regulate and enforce the existing in this area law, paying a special attention to complete prohibition of all types of tobacco products and tobacco producers activities publicity, including promoting actions and sponsorship;
- Instead of several departmental dispositions to draft and adopt a law on prohibiting smoking on working places, including bars and restaurants;
- Gradual increasing of the level of taxation for tobacco products for obtaining a constantly increase in tobacco products prices, as one of the most effective measure in decreasing tobacco consumption.
- To ratify the Framework Convention for Tobacco Control, having in mind the fact that the Convention provides at the global level the general measures to be taken but establishes in the same time the financial ones in order to assist the countries with transition economies, to which Moldova relates.