

Executive Decree No. 01-285 of 6 Rajab 1422, corresponding to September 24, 2001, determining the public places where the use of tobacco is prohibited, and the procedures for the implementation of this prohibition.

The Head of the Government,

In consultation with the Minister of Health and Population,

In light of the Constitution, particularly its Articles 85-4 and 125 (paragraph 2);

In light of Law No. 85-05 of February 16, 1985, as amended and updated, concerning the protection and promotion of health, particularly its Article 63;

In light of Presidential Decree No. 2000-256 of 26 Journada El Oula 1421, corresponding to August 26, 2000, concerning the nomination of the Head of Government;

In light of Presidential Decree No. 01-139 of 8 Rabie El Aouel 1422, corresponding to May 31, 2001, concerning the nomination of members of the Government;

Decrees:

Art. 1. – In application of the provisions of Article 63 of Law No. 85-05 of February 16, 1985, noted above, the purpose of this decree is to determine the public places where the use of tobacco is prohibited, and the procedures for the implementation of this prohibition.

CHAPTER I

GENERAL PROVISIONS

Art. 2. – ‘Tobacco’ is understood to refer to any product containing, even if only partially, tobacco used for smoking, sniffing, chewing or sucking.

Art. 3. – The public places where the use of tobacco is prohibited are educational institutions for preparatory instruction and professional training, and facilities used for the reception and accommodation of minors.

CHAPTER II

PROVISIONS SPECIFICALLY CONCERNING
TOBACCO FOR SMOKING

Art. 4. – Without impairment to the provisions of Article 3 of this Decree, the public places where the use of smoking is prohibited for the purposes of this Decree are, in principle, all enclosed or covered spaces intended for collective use and, with regard to institutions for education, instruction and training, all enclosed and covered places as well as uncovered places frequented by pupils and students.

In particular, the places indicated in the foregoing paragraph are as follows:

- 1 – Institutions of training and instruction;
- 2 – Health care institutions;
- 3 – Facilities where athletic, cultural, scientific, economic and entertainment events occur;
- 4 – Workplaces intended for a group of workers: areas for greeting, reception and group eating and meeting rooms, as well as health and medical facilities;
- 5 – Public transportation on roads, railroads, on the sea and in the air;
- 6 – Commercial establishments where food and beverages are consumed on-site;
- 7 – Waiting rooms and areas.

Art. 5. – Areas are to be made available, as needed, for smokers in the places indicated in Article 4 above, except for the places noted in Article 3, and items 1 to 3 in Article 4 of this Decree.

The areas indicated in the foregoing paragraph shall be specific places, whether in spaces or areas set apart that have a minimal ventilation of seven (7) liters per second and per occupant, for places where ventilation is handled mechanically or naturally by conduit, or of seven (7) cubic meters per occupant, for places where ventilation is handled by openings to the outside.

Art. 6 – The areas indicated in Article 5 above are to be determined by the authority under which these places are designated, in all cases bearing in mind the need to ensure the protection of non-smokers.

Art. 7 – Prominent signs are to provide a reminder of the prohibition of smoking in the places indicated in Articles 3 and 4 above, and shall indicate, as appropriate, the places made available for smokers.

CHAPTER III

ADMINISTRATIVE AND DISCIPLINARY SANCTIONS

Art. 8. – The prohibition of smoking, measures for the protection of non-smokers, as well as disciplinary sanctions incurred in the event of failure to observe these rules must be stated in the internal regulations of establishments, including public spaces where the use of tobacco is prohibited, as defined in Articles 3 and 4 of this Decree, and must be brought to the attention of staff and users.

Art. 9. – Administrative sanctions are to be imposed on institutions, enterprises and establishments contravening the provisions of this Decree.

Administrative sanctions are to be imposed in accordance with the regulations in force, particularly formal notifications or the temporary suspension of authorization to operate for a period of 15 days.

Art. 10. – Disciplinary sanctions incurred by employees contravening this Decree proceed from a warning to a suspension of from one (1) to three (3) days.

CHAPTER IV

FINAL PROVISIONS

Art. 11. – The actions of informing, educating and communicating to staff, users and all persons frequenting the premises indicated in Articles 3 and 4 above are to be undertaken by the authorities concerned for the purpose of preparing the implementation of the measures called for by this Decree.

Art. 12. – The specific procedures for the implementation of the provisions of Articles 5, 6 and 9 of this Decree in certain sectors of activity are to be determined by administrative order of the Minister in charge of the domain in question.

Art. 13. – A period of six (6) months, counting from the date of publication of this Decree in the *Official Journal* of the People's Democratic Algerian Republic is granted for the public places indicated in Articles 3 and 4 above to come into compliance with the provisions of Articles 5 and 7 to 10 of this Decree.

Art. 14. – This Decree is to be published in the *Official Journal* of the People's Democratic Algerian Republic.

Done in Algiers on 6 Rajab 1422, corresponding to September 24, 2001.

Ali BENFLIS
