

# UNION OF THE COMOROS

Unity – Solidarity – Development

President of the Union

Moroni, July 14, 2011

DECREE No. 11-140 /PR

Concerning the promulgation of Law No. 11-002/AU of March 27, 2011, on tobacco control.

**THE PRESIDENT OF THE UNION,**

IN LIGHT OF the Constitution of the Union of the Comoros of December 23, 2011, revised, in particular in its Article 17, hereby

## DECREES:

**Article 1:** Law No. 11-002/AU concerning tobacco control is hereby promulgated, adopted on March 27, 2011 by the Assembly of the Union of Comoros, and whose content is as follows:

### “CHAPTER I. – GENERAL PROVISIONS

**Article 1:** Products intended to be smoked, inhaled, sniffed or chewed are to be considered tobacco products for the purposes of this law, as long as they are at least partially composed of tobacco.

**Article 2:** For the purposes of this law, the following meanings are understood to apply:

- **Tobacco control:** An entire series of strategies to reduce the supply, demand and the harmful effects thereof in order to improve the health of the public by eliminating or reducing its consumption of tobacco products and exposure of the latter to tobacco smoke;
- **Illicit Trade:** Any practice or conduct prohibited by law involving production, distribution, shipping, display, receipt, possession, including any other practice or conduct intended to facilitate such activity;
- **Tobacco Products:** Any product intended to be smoked, sniffed, sucked, inhaled or chewed as long as it is at least partially composed of tobacco;

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Unofficial Translation

- **Advertising Promotion:** Any kind of communication, recommendation of action or commercial construction having as its purpose, effect or likely effect the direct or indirect promotion of a tobacco product or the use of tobacco;
- **Underwriting sponsorship:** Any kind of contribution to any kind of event, activity or person having as its purpose, effect or likely effect the direct or indirect promotion of a tobacco product or the use of tobacco;
- **Distribution:** Sale or giving away for free or any other kind of donation, including sampling of tobacco products;
- **Public Place:** Any enclosed space, whether covered or not, to which [the public has] access, freely upon invitation or for payment, including stores, restaurants, bars, hotels, movie theaters, nightclubs, sports arenas, laboratories, educational and healthcare institutions or any other place lodging minors.
- **Minor:** Any person under the age of eighteen, unless the age of majority is reached sooner as a result of national legislation applicable to such person;
- **Public Transportation:** Any means of transport for persons, including elevators, to which there is access for free or for payment;
- **Passive Tobacco Exposure:** The inhalation of tobacco smoke by non-smokers who are close to smokers in the same physical location;
- **Emission:** Any substance or combination of substances produced by the lighting of a tobacco product;

**Article 3:** Smoking is prohibited in places for collective use other than those that are exclusively for personal habitation.

**Article 4:** It is prohibited to smoke in the following places:

- a) In primary schools, middle schools, public and private high schools, university facilities, as well as in places frequented by students and pupils in the course of such activities.
- b) In hospital and healthcare facilities and any other institutions dealing with public or private health, as well as places of public use for the intake, care and accommodation of patients.
- c) In restaurants and places where foodstuffs are stored, handled, prepared for consumption or put up for sale.
- d) In any enclosed place, whether covered or not, to which the public has access, freely upon invitation or for payment, including stores, restaurants, bars, hotels, movie theaters, nightclubs, stadia, laboratories, and places lodging minors.

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- e) Inside personal vehicles, regular or occasional public transportation, urban public transportation, Comorian aircraft, on board ships operated by Comorian companies and rail transport compartments.
- f) In any buildings of public or private employment, as well as airports, train stations and port buildings.

**CHAPTER II. –  
ACCESS TO TOBACCO PRODUCTS**

**Article 5:** The placement of points of sale for tobacco products inside educational institutions, healthcare institutions, athletic infrastructures, public, semi-public and private offices is prohibited.

**Article 6:** Points of sale of tobacco products and the characteristics of locations intended to accommodate them are to be defined by a joint administrative order of the Minister of Public Health and the Minister of Commerce.

**Article 7:** Points of sale must be indicated by signs providing a reminder of the danger associated with tobacco Consumption; the shape of the sign and the content of the message are to be determined by a joint administrative order of the Minister of Public Health and the Minister of Commerce.

Vendors of tobacco must file a declaration of existence with the local administrative authority representing the Ministry of Commerce in their vicinity, and pay for a license.

**Article 8:** Any form of free distribution of tobacco products to the public is prohibited.

**Article 9:** The established prohibitions of smoking must be prominently displayed on signs in places, vehicles and other conveyances of transportation.

**CHAPTER III. –  
PROTECTION AGAINST EXPOSURE  
TO TOBACCO SMOKE**

**Article 10:** Smoking in public places and indoor workplaces is prohibited, except in places reserved for smokers.

**CHAPTER IV. –  
SALE TO MINORS AND BY MINORS**

**Article 11:** The sale of tobacco products to minors is prohibited. Vendors of tobacco products must visibly and prominently display at their point of sale a notice of prohibition of the sale of tobacco to minors and by minors.

**Article 12:** The manufacture and sale of candies, toys or other items having the shape of a tobacco product that are attractive to [minors] is prohibited.

**Article 13:** The sale of tobacco products by minors is prohibited.

**CHAPTER V. –  
PROMOTION – ADVERTISING –  
UNDERWRITING – SPONSORSHIP**

**Article 14:** Publicity or advertising for an object or product other than tobacco, or tobacco products, may not constitute indirect or clandestine publicity or advertising for tobacco or tobacco products, either by its vocabulary or graphic representation, or by its manner of presentation or in any other way.

**Article 15:** No offer may be made for a rebate or of a distribution, whether free or not, of an ordinary item of use or consumption other than objects serving directly for the consumption of tobacco or tobacco products if they bear the name of the brand or advertising emblem of a tobacco product or the name of a producer, manufacturer or merchant of tobacco or tobacco products.

**Article 16:** Offerings, rebates or distribution for free of tobacco or tobacco products is prohibited if it is done for purposes of publicity or advertising.

**Article 17:** No publicity or advertising can be conducted by any procedure or in any form whatsoever for tobacco or tobacco products in publications intended for young people.

**Article 18:** Publicity or advertising for tobacco and tobacco products may not be undertaken in the following ways:

1. By radio or television broadcast, by recordings or by cable distribution.
2. By projections or announcements in venues of shows and other places that are public or open to the public.
3. By posters, placards or flyers, brochures or lit or unlit signs.

This prohibition does not, however, concern posters, placards or flyers, lit or unlit signs on the inside of tobacco shops, nor the signs or panels indicating such establishments.

**Article 19:** Growers, manufacturers and merchants of tobacco or tobacco products must not sponsor sporting events, and the organizers of such events must not accept such sponsorship.

**Article 20:** It is prohibited to cause to appear in any way whatsoever during a sporting event the name, brand or advertising emblem of a tobacco product, or the name of a grower or merchant of tobacco or tobacco products.

**Article 21:** It is prohibited for growers, manufacturers and merchants of tobacco or tobacco products to give their sponsorship to statements addressed to audiences of children or minors.

**CHAPTER VI. –  
COMPOSITION– LABELING–  
AND PACKAGING**

**Article 22:** Manufactured Tobacco products and those intended for sale must be in compliance with the standards defined by regulatory procedure.

**Article 23:** It is prohibited to package a tobacco product in a manner not in compliance with this law and its regulation, and packs and cartons and any kind of external packaging of tobacco products for sale in the Comoros must bear a health warning.

These warnings may be presented in the form of drawings or a pictogram. The statement “Exclusively for sale in the Comoros” must appear on packs.

**Article 24:** Packages of cigarettes and other tobacco products, particularly packs sold for public consumption, must have on one of their lateral surfaces the following health warning: “Tobacco is seriously harmful to your health,” in French, and in Comorian in Arabic characters.

Information concerning tobacco products must be objective, coherent, precise, clear and up to date, as well as information concerning the drawbacks of their use. The means for implementing this article are to be set by administrative order of the Minister of Public Health.

**Article 25:** Any packaging or labeling of tobacco products is prohibited that contributes to the promotion of a tobacco product by any means likely to give a mistaken impression with respect to the characteristics, health effects, risks or emissions of the product, including descriptive terms, commercial brands, figurative signs or others that directly or indirectly give the impression that one tobacco product is less harmful than others.

**Article 26:** Packs or cartons or any other kind of external packaging of tobacco products must include statements concerning the composition of the product, the lot number, date of manufacture, expiration date for use, name and address of manufacturer.

Unofficial Translation

Manufacturers or importers are required to submit to the Minister of Public Health in the manner and terms set by regulations, a prospectus including the information required by regulation on the product and its emissions, as well as the hazards to health and effects on health associated with the use of the product and its emissions.

This statement is to be printed in clearly legible, indelible characters in a space that may not be less than 20% of the total area of one of the surfaces of the package.

## **CHAPTER VII. – PENAL PROVISIONS**

**Article 27:** Any infraction of Articles 2, 3 and 9 shall be punished by a fine of 30,000 fc to 50,000 fc.

**Article 28:** Any infraction of Articles 4, 5, 6 and 7 is punishable by imprisonment of 1 to 3 months, and a fine of 50,000 fc to 500,000 [sic] fc.

**Article 29:** Any violation of the provisions of Articles 13, 14, 15, 16, 18 or 19, shall be punished by a fine of 500,000 fc to 1,000,000 fc.

**Article 30:** Those who contravene the provisions of Articles 22, 23, 24, 25 and 26 are to be punished by a fine of 1,000,000 fc to 5,000,000 fc.

## **CHAPTER VIII. – MISCELLANEOUS PROVISIONS**

**Article 31:** A national committee for tobacco control is hereby created within the Ministry of Health of the Union of the Comoros, as well as a regional committee for tobacco control on each autonomous island. The national committee and the regional committees for tobacco control shall have the following mission:

- To implement the country's tobacco control policy;
- To strengthen informational, educational and communications activities on the harmful effects associated with tobacco consumption and the advantages of quitting tobacco;
- To prepare and implement programs for training and applied research.
- To provide support and protection to actors and agencies involved in tobacco control efforts.

An administrative order by the Minister of Health shall determine the composition of the committee and the terms of its operation.

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**CHAPTER IX. –  
TRANSITORY PROVISIONS**

**Article 32:** A period of twelve (12) months counting from the date of the promulgation of this law is granted to growers, manufacturers and distributors of tobacco and tobacco products to comply with it.

**CHAPTER IX. –  
FINAL PROVISIONS**

**Article 33:** All previous provisions at variance with this law are hereby rescinded.

**Article 34:** This law is to be implemented as a Law of the State.”

**ARTICLE 2:** This Decree is to be registered, published in the *Journal Officiel de l'Union des Comores* [‘Official Journal of the Union of the Comoros’] and notice given hereof wherever it may be required.

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**UNION OF THE COMOROS**

**– THE PRESIDENT**

**Dr. IKILILOUDHOININE**

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