

<p>UNION OF THE COMOROS Unity – Solidarity – Development ----- Ministry of Health, Social Cohesion and Solidarity and Gender Promotion</p>	<p>[EMBLEM]</p>	<p>[ARABIC TEXT]</p>
<p>[STAMP:] General Secretariat of Government No. 13-012/A/10/04/13 DEPT. OF [UNIQUE] REGISTRATION OF OFFICIAL ACTS</p>	<p>Administrative Order No. 13 – 012/MSSCPG/CAB Concerning provisions for the implementation of the Law of March 27, 2011 on Tobacco.</p>	

THE MINISTER,

- In light of the Constitution of the Union of the Comoros of December 23, 2001;
- In light of the Referendum Act concerning revision of the Constitution of the Union of the Comoros of December 23, 2001, promulgated by Decree No. 09-066/PR of May 23, 2009,
- In light of Law No. 095-13/AF of June 24, 1995, concerning the general framework of the health system and defining the missions of the public health service;
- In light of Law No. 11-001/AU of March 26, 2011 concerning the National Code of Public Health and 14/PR of July 14, 2011;
- In light of Law No. 11-002/AU of March 27, 2011 on Tobacco Control
- In light of Decree No. 11-079/PR of May 30, 2011, concerning the Government of the Union of the Comoros
- In light of The needs of service;

ORDERS:

Article 1: Every single package of tobacco products for retail sale, except for varieties of tobacco for oral use and other non-burning tobacco products must display on one of the principal surfaces the following warning: **“Smoking is seriously harmful to your health and to that of the people around you.”** Tobacco products for oral use and non-burning tobacco products must display the following warning:

“This tobacco product can harm your health and cause addiction”

Article 2: The prescribed warnings, including their borders, must occupy 40% of the total surface area of each one of the principal surfaces of the primary package.

Article 3: In the case of single packages intended for products other than cigarettes, the front panel shall be more than 75 cm² in area, and the warnings indicated in sub-sections (1) and (2) above must cover an area of at least 30 cm² on each one of the front and back panels.

Article 4: In the case of individual packages intended for products other than cigarettes, the front panel shall be greater than 75 cm², and the warnings indicated in sub-sections “1” and “2” above must cover an area of at least 30 cm² on each one of the front and rear panels.

Article 5: The text of the prescribed warnings must be printed in black on a white background in a frame 5mm thick with a black border.

Article 6: For the caption currently indicated in sub-sections (1) and (2) above, the warning should be printed using 15-pitch Helvetica bold font in black.

Article 7: If replacement warnings are prescribed in the future, the size of the typeface should be as large as reasonably possible to fit the required warning into the area indicated, and a period of at least one year shall be authorized prior to introducing the new warning into the manufacturing process for packages and tobacco products.

Article 8: Warnings must be printed on the lower part of the front and rear panels of all external packaging, except for transparent outer wrappings used for the retail sale of products.

The warning text must be printed in indelible ink, and must not be disrupted in any way, by being masked, hidden or separated by other statements or images, or by the opening of the pack.

In the case of tobacco products other than cigarettes, texts can be affixed using adhesive, as long as they are cannot be removed.

Article 10: Tobacco products without the prescribed warnings can be produced, imported or sold to distributors for a period of 12 months only after the publication of information on the packaging.

Article 11: No one may distribute a tobacco product without the required warnings 12 months after the publication of this Administrative Order.

Each packaging unit of tobacco products, as well as any external packaging, except for transparent outer wrappings used for the retail sale of the product, must state the content of tar, nicotine and carbon monoxide.

Article 12: The content of tar, nicotine and carbon monoxide in cigarettes must be printed legibly and in French on one side of the pack of cigarettes.

Article 13: twelve months after the publication of this Administrative Order, the composition of cigarettes put up for sale in the Comoros must not be greater than:

- (a) 15 mg of tar per cigarette;
- (b) 1.5 mg of nicotine per cigarette, and
- (c) 15 mg of carbon monoxide per cigarette.

Article 14: Manufacturers or importers must submit the results of tests conducted in accordance with the law on an annual basis , for each brand of tobacco product manufactured or imported by them.

1) For the application of sub-sections (1) and (2), the content in tar, nicotine and carbon monoxide for the cigarette specified above must be measured on the basis of ISO standard 4387 for tar, and ISO standard 8454 for carbon monoxide.

2) The specifications of the content of tar and nicotine and indications for carbon monoxide on packs are to be verified in accordance with ISO standard 8243, which specifies the methods for providing representative samples of a population of cigarettes manufactured for sale.

3) Samples that ought to be used for purposes of determining yields indicated above must be packaged and burned in an environment such as the one described in ISO standard 3402. Analysis of the content of tar, nicotine and carbon monoxide specified above must be carried out at an accredited ISO laboratory where the cigarette samples are to undergo testing.

Article 15: On an annual basis, or else prior to December 31st of each year, each manufacturer and importer of tobacco products in the Union of the Comoros is to submit to the Committee for Tobacco Control – in hard copy and digital format –all pertinent information concerning the ingredients used in the manufacture of cigarettes, as specified in sub-paragraph (1) and entitled “**Lists.**”

1) One list of specific brands (**List1**) must be filled out for all cigarettes, by brand and type, and must provide a list of all cigarette data, broken down into the sub-categories of “burning ”and “non-burning.” In these categories of burning and non-burning, the ingredients must be specified indicating the exact non-commercial ingredients in weight in milligrams and in percentage of weight of the cigarette.

2) A threshold limit for declaration is set for individual flavors used in quantities lower than 0.1% of 1 unit of total cigarette weight, such that these ingredients can be regrouped and identified as “flavors” on this list.

3) A list consisting of Tobacco ingredients being used on the market during the period under consideration should indicate:

- The common name of the ingredient
- The substance’s registry number in Chemical Abstract Services (CAS); Flavor and
- The manufacturer’s taxpayer ID number in the Emirates (FEMA) [*sic*] and the number of the Council of Europe (CoE);
- The purpose of the ingredient;

4) Maximum values (UM) in weight (mg) and as a percentage (%) in all brands sold on the market during the declaration period under consideration.

5) A composite list of non-tobacco ingredients (List3) must be filled out for all non-tobacco ingredients available on the market during the declaration period under consideration.

The aforesaid composite list must state the following:

- The common name of the ingredient
- The substance's registry number in Chemical Abstract Services (CAS); Flavor
- Maximum use values (UM) in weight (mg) and percentage (%) in all brands sold on the market in the course of the declaration period

6) The data indicated above is to be broken down into the following categories:

- Cigarette paper
- Sideseam Adhesive
- Printing in [Dieppe] Ink
- Cone refined graphic paper
- Paper and ink for tipping in
- Filter materials
- Adhesive for tipping in

7) A composite list of Flavoring ingredients (List 4) must be filled out for all flavoring ingredients used on the market during the period under consideration. The aforesaid composite list must indicate:

- The common name of the ingredient
- The substance's registry number in Chemical Abstract Services (CAS); Flavor, and
- The purpose of the ingredient

The maximum utilization values (UM) in weight (mg) and as a percentage (%) in all brands sold on the market in the course of the declaration period

Article 16: To ensure product identification and tracking, all tobacco products must be marked in all appropriate ways, by [lot] numbering or the equivalent, on the unit, making it possible to determine the place and time of manufacture.

All tobacco products for wholesale and retail sale must be marked in all appropriate ways, by a distinctive sign such as a tax stamp, on the unit to help to determine whether the product is legally for sale on the domestic market.

Article 17: Prohibition of smoking in public places

Smoking is prohibited in enclosed public places, including work places, or in any part whatsoever of an enclosed public place or work place, including:

- a) offices and buildings where people work; this does not apply to laboratories used for machines to test tobacco products;
- b) court buildings

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- c) factories;
- d) cinemas, theaters, video halls when they are open to the public
- e) hospitals, clinics and other health care establishments;
- f) restaurants, hotels, bars or any other place of refreshment;
- g) facilities for children;
- h) residential houses and other places used for commercial children's daycare facilities, or for instruction or tutoring;
- i) places of worship;
- j) prisons;
- k) police stations and jail cells;
- l) public service vehicles;

Aircraft, passenger ships, excursion boats, trains, passenger vehicles, ferries or any other means of public transportation of educational institutions for participants aged 18 and under ??? [sic]

- m) Areas inside train stations, bus stops and queues at bus stops, airports, airfields, ports, and other public transportation terminals;
- n) Indoor markets, shopping centers and retail and wholesale establishments;
- o) Sitting and standing areas at sports venues and indoor stadiums, as well as recreational facilities;
- p) Government office buildings.

Public and private school buildings.

Article 18. Posting of notices

1) If the manager or proprietor of one of the places mentioned in sub-section 1 (a), (d), (f) and (j), provides a smoking area as defined below, he or she must have clear and prominently visible notices posted in French indicating that tobacco use is only authorized in that space, whereas it is otherwise prohibited to smoke on the premises.

The notice must include the specific penalties for infractions.

2) Pursuant to sub-paragraph 1, all notices must be posted by the manager or proprietor in such a way that all people entering the area will be able to see it and read the notice easily.

3) Notices published pursuant to sub-paragraph 2 are to be characterized by the following essential points:

In size, the notice must be at least 19 cm x 19 cm

The text of the notice must read as follows “**NO SMOKING**”

The caption must be accompanied by a no smoking sign showing a cigarette in a red circle with a diagonal red line going through the cigarette from the upper left corner to the lower right corner, or any other pictorial representation, and the text required in sub-paragraph 1 (b) must cover 60% of the sign.

Article 19: If it should happen that a person smokes in a place other than a smoking area, or that the smoke departs from the smoking area to reach the rest of the premises, the manager or proprietor of the premises may take the following measures:

- a) Request that henceforth the person smoking cease at once while pointing out the penalties for the infraction;
- b) If the person continues to smoke, the manager or proprietor may request that the person move from the smoking area so that the smoke will stop, or else vacate the premises;
- c) If the person refuses, then the proprietor or manager may call the police [enforcement authorities].

Article 20: Smoking areas

- 1) The manager or proprietor of one of the places specified in Article 18 should arrange to provide a smoking area
- 2) A smoking area must be:
 - a) An area that allows access only to people over the age of 18,
 - b) Clearly identified as a smoking area;
 - c) Posted with notices pursuant to paragraph (b), and in accordance with the following essential points:
 - i. Notice panels must be at least 19 cm in size;
 - ii. The information stated on notice panels is to be replaced by “Smoking area”
 - iii. The text required in sub-paragraph b) ii must cover 80% of the sign.
- 3) The smoking area must be located in a ventilated area of the premises, or next to doors and windows giving onto the outdoors, or else appropriate ventilation equipment must be installed with solutions for air extraction to ensure that no smoke emanates from the smoking areas to the rest of the premises, as determined by an inspector.

This Administrative Order, which is to take effect as of the date of its signing, is to be registered, published and with notification hereof given everywhere, or wherever it may be needed.

[STAMP] [illegible signature]

Dr. MOINAFOURAHA AHMED