

PRESIDENCY OF THE REPUBLIC

REPUBLIC OF CONGO

Unity \* Work \* Progress

GENERAL SECRETARIAT  
OF GOVERNMENT

Decree n° 2018 - 216 of June 5, 2018  
concerning the Prohibition of smoking in places used by the  
public

THE PRESIDENT OF THE REPUBLIC,

In light of the Constitution;

In light of Law n° 01-63 of January 13, 1963, as amended by Law n° 10-83 of January 27, 1983, concerning the Code of Penal Procedure;

In light of Law n° 6-94 of June 1, 1994, concerning the regulation of awards, commercial standards, investigation and enforcement against fraud;

In light of Law n° 7-94 of June 1, 1994, regulating the regime of imports, exports and re-exports;

In light of Law n° 20-2005 of December 1, 2005, authorizing the ratification of the Framework Convention for Tobacco Control in Congo;

In light of Law n° 12-2012 of July 4, 2012, concerning tobacco control;

In light of Decree n° 2009-402 of October 13, 2009, concerning the attributions of the Minister of Health and Population;

In light of Decree n° 2013-813 of December 30, 2013, concerning the organization of the Ministry of Health and Population;

In light of Decree n° 2017-371 of August 21, 2017 concerning nomination the Prime Minister, Head of the Government;

In light of Decree n° 2017-373 of August 22, 2017, concerning the nomination of members of the Government;

In the Council of Ministers,

#### DECREES: Chapter 1 General Provisions

Article 1: This Decree determines the procedures for the prohibition of tobacco consumption in any form in places used by the public.

Article 2: For the purposes of this Decree, the following terms shall be defined as follows:

Place used by the public: any place accessible to the public and to common use, regardless of whether it is publicly or privately owned, or the conditions of access. This refers to indoor or enclosed public places, open or semi-open public places, whether they are work places or mass transit facilities;

“Public indoor” or “enclosed” place: any space covered by a roof or enclosed by one or several walls or partitions, regardless of the type of materials use, or whether a permanent or temporary structure is involved.

“Open” place or “outdoor” place: any unenclosed place;

Work place: any place used by one or more persons in the context of paid or voluntary work, particularly attached or related places commonly used in this context, such as hallways, elevators, staircases, entrance halls, common facilities, cafeterias, bathrooms, lounges, dining rooms, out buildings such as sheds and hangars. Vehicles used in the course of work are considered work places. Work places also include places of residence or accommodation such as prisons and other detention facilities, institutions for the mentally ill or retirement houses and rest homes;

Public transportation: any vehicle used for shared or public transportation of people, regardless of the conditions of access, including taxis;

Smoking: the act of holding or using lit tobacco and its derivative products, whether or not the smoke is being actively inhaled or exhaled;

Person: any natural or juridical person:

Person in charge of a place: the person who is responsible for places used collectively or by the public, generally the owner, the keeper, the leaseholder or manager of a public place or work place, or public transportation vehicles.

## Chapter 2: The prohibition of smoking

Article 3: It is strictly prohibited to smoke in places used collectively or by the public, work places and on public transportation

Article 4: Public places used collectively where smoking is prohibited include indoor or enclosed places, open or semi-open public places, work places and public transportation.

Article 5: It is strictly prohibited to smoke in a shared residential space.

## Chapter 3: The role and responsibility of actors

Article 6: In the implementation of measures for prohibiting smoking in public places, the State and local communities, managers and owners of public places, operators of points of sale for tobacco and its derivatives, parties responsible for establishments or work places and civil society organizations have an obligation to raise public awareness and report offenses.

The State and local communities have an obligation to raise public awareness, to train health care personnel and all other actors in tobacco control, to monitor, pursue and enforce the law against violations of the measures set forth in this Decree.

Article 7: Owners, managers or any other person in charge of facilities is responsible for respecting measures relating to tobacco control.

In particular, they are required to do the following things:

- At the entrance and inside, and in other appropriate places, prominently and clearly post regulatory signage indicating the prohibition of smoking on the premises;
- Remove all existing ashtrays from the premises;
- See to compliance with the rules prohibiting smoking;
- Take the necessary measures to dissuade the public from smoking on the premises

These measures consist of asking people frequenting the premises to abstain from smoking, refusing them service, asking them to leave the premises and notifying the enforcement authorities or any other competent authority.

Article 8: Operators of points of sale must post the prohibition of selling tobacco to minors, as well as warning messages on the harmful health effects of tobacco. The notices must be posted in public view on or next to each register used for sales.

It is prohibited to alter or remove such notices.

Article 9: Civil society organizations not affiliated with the tobacco industry, or with entities or persons that defend the interests of the tobacco industry have the role of promoting health, particularly through information, education and communication to change behavior.

Article 10: The National Program for Tobacco Control shall take the necessary measures to ensure periodic follow-up and assessment of the implementation of measures concerning packaging and labeling of tobacco and its derivatives.

#### Chapter 4: Miscellaneous, transitory and final provisions

Article 11: People in charge of places used by the public or the community and public transportation vehicles, consumers of tobacco and its derivative products shall have a period of one year to enter into compliance with the provisions of this Decree.

Article 12: Regulatory services of inspection such as the General Bureau of Health Inspection, the Bureau of Labor Inspection, the Department of Hygiene, the police and the constabulary, are charged with seeing to compliance with the provisions of this Decree.

Article 13: Perpetrators and accomplices engaging in violations of any one of the provisions of this Decree are to be punished in accordance with Articles 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Law n° 12-2012 of July 4, 2012, concerning tobacco control.

Article 14: This Decree is to be registered and published in the Official Journal of the Republic of Congo.

2018 - 216 Done in Brazzaville on June 5, 2018



**Denis SASSOU-N'GUESSO. -**

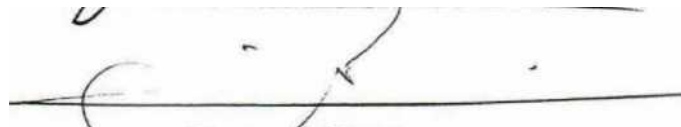
By the President of the Republic,

The Prime Minister, head of the Government



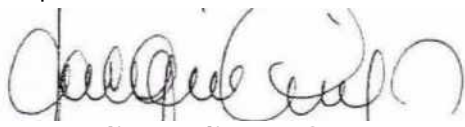
**Clément MOUAMBA.-**

The Vice Prime Minister, in charge of the Civil Service, Reform of the State, Labor and Social Security,



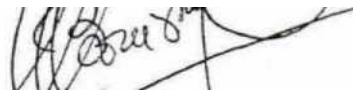
**Firmin AYESEA.-**

The Minister of Health and Population,



**Jacqueline Lydia MIKOLD.-**

The Minister of the Interior and Decentralization



**Raymond Zéphirin MBOULOU.-**

Minister of State, Minister of Commerce, Supplies and Consumption,

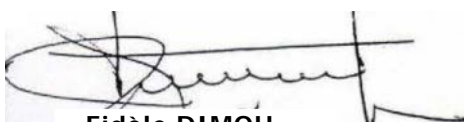


**Alphonse Claude NSILOU. -**



**Arlette SOUDAN NONAULT.-**

The Minister of Transportation, Civil Aviation and the Merchant Marine,



**Fidèle DIMOU.-**