

PARLIAMENT

REPUBLIC OF CONGO
Unity - Labor - Progress

Law No. 12 - 2012 of July 4, 2012
Concerning the anti-tobacco campaign

THE NATIONAL ASSEMBLY AND THE SENATE HAVE
DELIBERATED AND ADOPTED THE FOLLOWING:

THE PRESIDENT OF THE REPUBLIC PROMULGATES THIS LAW WHOSE CONTENT IS
AS FOLLOWS:

Chapter I: GENERAL PROVISIONS

Article 1: Tobacco products are considered to comprise the set of tobacco derivatives intended to be smoked, sucked, sniffed or chewed, as long as they are partially composed of tobacco, products intended to be smoked even if they do not contain tobacco, as well as all products involved with advertising for tobacco and its derivatives.

Chapter II: PROTECTION

Article 2: The consumption of tobacco, in all its forms, is prohibited in places subject to public use, chiefly places of health care, education and work, and in means of public transportation.

Article 3: Those responsible for the places and means of transportation indicated in Article 2 of this law are required to prominently display a notice prohibiting the consumption of tobacco and its derivatives.

Article 4: The consumption, purchase and possession of tobacco and its derivatives are strictly forbidden to minors, pregnant women and the mentally ill.

Article 5: Vendors of tobacco and its derivatives are required to prominently display at their points of sale a notice forbidding the sale of tobacco and its derivatives to minors, pregnant women and the mentally ill.

Furthermore, they are forbidden to make these products directly available on the shelves of their stores.

Article 6: The following things are also forbidden:

- the sale of tobacco and its derivatives in the vicinity of educational institutions;*
- The consumption and possession of these products in correctional and psychiatric institutions;*
- The free distribution of tobacco and its derivatives.*

Article 7: Contraband trafficking in tobacco and its derivatives is forbidden throughout the extent of the national territory.

Chapter III: ON ADVERTISING AND PROMOTION

Article 8: All advertising and promotion of tobacco and its derivatives in public or private media, on posters and billboards, as well as all campaigns extolling the merits of a brand of cigarette or of other tobacco derivatives are strictly forbidden.

Article 9: All activities involved in the sponsorship of sporting, musical, fashion and other cultural events by the tobacco industries, vendors and importers of tobacco, is forbidden under penalty of the sanctions prescribed by this law.

Article 10: All forms of packaging and exterior labeling of tobacco products manufactured in the country or imported must bear the markings and images describing the harmful effects of tobacco, and health warnings such as: "Seriously harmful to your health," on at least 30% of the surface of the pack or carton of cigarettes, as well as listing the relevant components and emissions of the product.

Article 11: The nicotine and tar contents of cigarettes, the size and form of the health warning, and information concerning the composition and emissions of tobacco products are defined by Administrative Order of the Minister of Health.

Chapter IV: THE HEALTH POLICE

Article 12: The general health inspection agents are authorized to act as health police in matters relating to the campaign against tobacco.

Article 13: The agents indicated in Article 12 of this law may not assume their duties without having first sworn an oath before a court of the first instance in the administrative district where they are called upon to perform their duties, in the following terms:

“I swear and pledge to faithfully perform my duties and to carry out the requirements of this work wherever I am called upon to do so.”

Article 14: General health inspection agents have the right to ask for the assistance of law enforcement officers in the exercise of their duties.

The officers of the judicial police and other law enforcement agents are required to accompany the health police when so requested by them, even by spoken request, to undertake searches, investigations and other operations.

Furthermore, they are obliged to sign records of confiscations or searches performed in their presence.

However, in the event of refusal to do so on their part, the agents of the health police are required to report such circumstance.

Article 15: The agents of the health police and the officers of the judicial police are to investigate and submit written reports concerning infractions of this law throughout the range of the jurisdiction where they exercise their customary duties.

In the event that offenders are caught in the act, officers are to arrest the offender or offenders, and to bring them, on the basis of an arrest order, to the appropriate legal venue.

Certain officers of other agencies may also be deployed for this purpose by the Minister of Health.

Chapter V: SANCTIONS

Article 16: Anyone who shall deliberately obstruct the agents of the health police in the execution of their duties shall be subject to the penalties indicated in this law, without impairment to the penalties provided for contempt.

Article 17: Any violation of Articles 4, 5, 6, 7 and 10 of this law will entail prosecution of the vendors, manufacturers and importers of tobacco and its derivatives.

Article 18: Any violation of Article 8 of this law will entail prosecution of the managers of publications and the directors of radio and television stations, and all other media.

Article 19: Perpetrators of the infractions indicated in Articles 2, 3 and 16 of this law are susceptible to sanctions ranging from the confiscation of products, to the payment of a fine ranging from 6,000 to 12,000 CFA francs and, in cases of repeat offense, fines may range from 12,000 to 24,000 CFA francs.

Article 20: Perpetrators of the infractions indicated in Articles 4, 5, 6 and 7 of this law are subject to punishment of a fine ranging from 200,000 to 1,500,000 CFA francs; in cases of repeat offense, fines may range from 1,500,000 to 3,000,000 CFA francs.

Article 21: Perpetrators of the infractions indicated in Articles 8 and 9 of this law are subject to punishment of a fine ranging from 4,000,000 to 10,000,000 CFA francs.

Chapter VI: FINAL PROVISIONS

Article 22: The celebration of "No Tobacco Day" is set by regulatory provision.

Article 23: The proceeds from fines, confiscations, restitutions and damages and interest imposed in the application of this law are to be distributed as follows:

- 25% to the public treasury;*
- 35% to the local community;*
- 40% to the structures established for the campaign against tobacco use.*

Article 24: A percentage of the taxes on tobacco provided for in the law of finance is to be allocated to the activities of the campaign against tobacco use.

Article 25: The procedures for the execution of this law are set by regulatory provision.

Article 26: This law is to be published in the Official Journal and implemented as a law of the State.

12 - 2012 Done in Brazzaville, July 4, 2012

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Denis SASSOU - N'GUESSO. -

By the President of the Republic

<p><i>The Minister of Health and Population</i></p> <p><i>[illegible signature]</i></p> <p>Georges MOYEN. -</p>	<p><i>The Minister of State, Coordinator of the Office of Sovereignty, Guard of the Seals, Minister of Justice and Human Rights</i></p> <p><i>[illegible signature]</i></p> <p>Aimé Emmanuel YOKA</p>
<p><i>The Minister of Finance, Budget and Public Treasury</i></p> <p><i>[illegible signature]</i></p> <p>Gilbert ONDONGO. -</p>	

NATIONAL ASSEMBLY

FIRST SECRETARIAT

REPUBLIC OF CONGO
Unity - Labor - Progress

REPORT

*Of the adoption of the draft law on the campaign
against tobacco use*

In Two Thousand and Nine on Friday, April Tenth, the National Assembly, assembled in plenary session in the international conference chamber of the Palace of Parliament, has unanimously adopted, as amended, by 88 votes in favor, 0 opposed and 00 abstaining, the draft law concerning the campaign against tobacco.

This document is drawn up for all legal intents and purposes.

Done in Brazzaville, April 10, 2009

<i>The First Secretary of the National Assembly</i> <i>[illegible signature]</i> <i>Pierre NGOLO.-</i>	<i>The President of the National Assembly</i> <i>[illegible signature]</i> <i>Justin KOUMBA.-</i>
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