

OFFICIAL



JOURNAL

**of the  
Democratic Republic of Congo**

---

Cabinet of the President of the Republic  
Kinshasa – December 31, 2018

---

...

**PRESIDENCY OF THE REPUBLIC**

**Law n° 18/035 of December 13,  
2018, setting the fundamental principles for  
the organization of Public Health**

...

**LAW**

**The National Assembly and the Senate have  
adopted;**

**The President of the Republic is promulgating  
the Law whose content is as follows:**

**TITLE I: GENERAL PROVISIONS**

**Chapter 1: PURPOSE AND SCOPE**

**Article 1**

This Law sets the fundamental principles for the organization of public health in the Democratic Republic of Congo.

**Article 2**

This law applies to health care personnel directly or indirectly engaged in the administration of health care, to recipients of care, to health care services, establishments and companies, and to any natural or juridical person considered a partner in the administration of health care in the Democratic Republic of Congo.

**Chapter 2: DEFINITIONS**

**Article 3**

For the purposes of the present law, the following definitions shall apply:

...

5. Graphic health warning or health alert: text and images required by public authorities that must appear on the main surfaces of the product to give notice in particular of risks health and cause a reduction of its consumption;

...

14. Smoke-free space: any place where smoking is strictly prohibited. It is comprised of all interior workplaces, public transportation, interior public places and, as applicable, other public places.

...

16. Smoking: holding or handling a lit tobacco product, whether or not the smoke is actively inhaled or exhaled;

17. Second-hand smoke: smoke produced by the burning of a cigarette or other tobacco products, to which the smoke exhaled by the smoker is generally added;

...

19. Tobacco industry: enterprises for the manufacture and wholesale distribution of tobacco products and importers of such products;

20. Tobacco industry interference: actions or any kind of pressure or influence, whether direct or indirect, exercised by the tobacco industry on the administrative authorities and/or political decision makers with a view to thwarting or influencing public policies for tobacco control;

...

22. Tobacco control: a set of strategies to reduce supply, demand and harmful effects, seeking to improve the health of a population by eliminating or reducing its consumption of

tobacco products and its exposure to tobacco smoke;

...

24. Unique marking: a code which is specific to each pack of tobacco, and which serves to indicate its origin and the point where the rerouting of a tobacco product occurs, if applicable, as well as to monitor and control the movement of tobacco products and their legal status. It includes the date and place of manufacture, the manufacturing unit, the machine used to produce the tobacco products, the production shift or time of manufacture, the name of the first buyer who is not affiliated with the manufacturer, the manufacturing number, the control number and the status of payment, the retail market for which the product is intended, a product description, the storage and shipment of the product, as applicable, the identity of any subsequent purchaser known and the projected itinerary, the date of shipment, the destination, the point of departure and the recipient;

...

31. Tobacco product and tobacco derivatives; a product that is entirely or partially composed of tobacco as its raw material, produced to be smoked, sucked, chewed or sniffed ;

...

43. Electronic nicotine delivery systems: battery-powered products that provide an aerosol for the lungs of users;

...

## **TITLE VII: COMBATTING DRUG ABUSE**

...

### **Chapter 2: TOBACCO**

#### **Section 1: Commercialization and consumption of tobacco and tobacco products**

##### **Article 110**

The production, commercialization and consumption of tobacco and tobacco products or tobacco derivatives are subject to the relevant provisions of the Framework Convention on Tobacco Control of the World Health Organization to which the Democratic Republic of Congo is a party.

The Ministers of Public Health, Commerce and Industry shall adopt the necessary measures for the implementation of this Framework Convention.

##### **Article 111**

It is prohibited to sell or offer for free tobacco or tobacco products to a minor.

Minor children may not sell or purchase or import or consume tobacco, tobacco products or derivatives.

They may not be used for such purposes.

#### **Section 2: Protection against second-hand smoke in smoke-free spaces**

##### **Article 112**

The consumption of tobacco, tobacco products or derivatives is prohibited in smoke-free spaces.

An administrative order by the Minister of Public Health shall determine the nomenclature of smoke-free spaces and set the procedures for the implementation of this provision.

#### **Section 3: Tobacco industry interference, sponsorship, promotion and advertising for tobacco, tobacco products and tobacco derivatives**

##### **Article 113**

Any kind of interference, sponsorship or promotion of social actions, as well as direct, indirect or cross-border advertising by the tobacco industry, or in favor of tobacco, tobacco products and derivatives is prohibited.

#### **Section 4: Information on tobacco products and derivatives**

##### **Article 114**

The tobacco industry shall send to the Ministries of Public Health and Foreign Commerce semiannual reports containing all quantitative and qualitative information and data concerning the composition, additive ingredients and emissions of tobacco products.

The Ministry of Public Health shall undertake tests and analyses in certified laboratories to ascertain the accuracy of the data indicated in the foregoing sub-paragraph. In this case, the costs for such tests and analyses are to be borne by the tobacco industry.

Every six months the Ministry of Public Health shall publish a list of unauthorized ingredients and the emissions from tobacco products and derivatives.

##### **Article 115**

The Ministry of Public Health shall see to it that the population is informed about:

1. the toxic and harmful nature of tobacco products and derivatives ;

2. the need to protect tobacco control policies. An administrative order by the Minister of Public Health shall determine the procedures for the implementation of this provision.

#### **Article 116**

Each package and pack of tobacco products and derivatives shall have on their main surfaces graphic health warnings and health alerts, clear and illustrated, covering 50% of the main surfaces of packs of cigarettes and cigars.

They shall also indicate:

1. the name of the brand;
2. the statement “sold in the Democratic Republic of Congo”;
3. the lot number;
4. the bar code;
5. the unique marking.

### **Section 5: Fiscal provisions**

#### **Article 117**

In the framework of reducing the consequences resulting from tobacco consumption, the public shall take appropriate financial and fiscal measures.

...

## **TITLE IX: PENAL PROVISIONS**

...

#### **Article 136**

Anyone who makes use of a minor child for the cultivation, manufacture, production, distribution, commercialization, consumption or transportation of tobacco, tobacco products or tobacco derivatives shall be punished by eight

days to six months of imprisonment, and a fine of fifty to one hundred thousand Congolese Francs, or only one of these punishments.

Anyone who sells to a minor tobacco, tobacco products or tobacco derivatives shall be subject to the same punishments.

#### **Article 137**

Anyone who makes use of a visibly pregnant woman for the cultivation, manufacture, production, distribution, commercialization, consumption or transportation of tobacco, tobacco products or tobacco derivatives shall be punished by six months to one year of imprisonment, and a fine not to exceed five hundred thousand Congolese Francs, or only one of these punishments.

Anyone who sells her tobacco, tobacco products or tobacco derivatives shall be subject to the same punishments.

#### **Article 138**

Anyone who smokes in a smoke-free space shall be punished by eight days of imprisonment, and a fine not to exceed one hundred thousand Congolese Francs, or only one of these punishments.

#### **Article 139**

Anyone who, without prior authorization, engages in the commerce, manufacture, production, distribution, importation or exportation of tobacco or tobacco products shall be punished by a fine of ten to fifty million Congolese Francs.

#### **Article 140**

Any tobacco company that does not deliver the semiannual report called for by Article 114 of this Law to the Ministry of Public Health, shall be punished by a fine of five to ten million Congolese Francs.

**Article 141**

Any establishment engaging in the production, distribution, importation or exportation of alcohol, tobacco or tobacco products, refusing to receive inspectors in charge of enforcement shall be punished by a fine of two million five hundred thousand to five million Congolese Francs, and be closed for eight to 30 days.

**Article 142**

Anyone who, under his own responsibility, engages in advertising, sponsorship or promotion for tobacco products or the tobacco industry in a manner at variance with regulatory provisions shall be punished by one to five years imprisonment, and a fine of one hundred to two hundred million Congolese Francs.

Anyone who violates Articles 111, 113, 114 and 117 of this Law shall be liable to the same punishments.

Conviction shall be accompanied by the suspension of all activities for a period of one year.

In cases of repeat offenses, the operating license of the tobacco company in question may be revoked.

**TITLE X: FINAL AND RESCINDING PROVISIONS****Article 143**

Any prior provisions at variance with this Law are hereby rescinded.

**Article 144**

This Law shall enter into force three months after its promulgation.

Done in Kinshasa, on December 13, 2018

**Joseph KABILA KABANGE**