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Decree n°2008-0183/PR/MS specifying the manner in which statements are to be printed that must appear on the outside covering of packages and wrapping of tobacco products.

THE PRESIDENT OF THE REPUBLIC, HEAD OF THE GOVERNMENT

IN LIGHT OF the Constitution of September 15, 1992 ;
IN LIGHT OF Law n°48/YEAR/99/4th L of July 03, 1999 containing Guidance on the policy of Health ;
IN LIGHT OF Law n°106 /YEAR/05/5th L of July 31, 2005 containing ratification of the WHO Framework Convention of the campaign against Tobacco ;
IN LIGHT OF Law n°175/YEAR/07/5th L concerning Organization for the Protection of Health against Tobacco Consumption of April 22, 2007 ;
IN LIGHT OF Law n°170/YEAR/07/5th L concerning the responsibilities and the organization of the Ministry of Health ;
IN LIGHT OF Decree n°2008-0093/PRE of April 04, 2008 concerning the responsibilities and the organization of the Ministry of Health ;
IN LIGHT OF Decree n°2008-0083/PRE of May 26, 2008 containing the nomination of the Prime Minister ;
IN LIGHT OF Decree n°2008-0084/PRE of March 27, 2008 containing the nomination of the members of the Government ;
AS proposed by the Minister of Health ;

The Council of Ministers having rendered its opinion in its session of July 15, 2008

HEREBY DECREES

Article 1: In consideration of CHAPTER III concerning the regulation of the composition and packaging of tobacco products by Law n°175/YEAR/07/5th L concerning Organization for the Protection of Health against Tobacco Consumption, this decree determines the manner in which statements are to be printed that must appear on the outside covering of packages and wrapping containing tobacco products.

PART I
DEFINITIONS AND INTERPRETATION

Article 2 : The following definitions apply to this decree.

"Accessory" : A product that can be used for the consumption of a tobacco product, such as a pipe, the components of a water pipe, hookah or shisha, a cigar or cigarette holder, a cigar cutter, cigarette papers, cigarette tubes, cigarettes filters, matches or lighters.

Unofficial Translation

"Packaging" or "Wrapping" : Container, receptacle or envelope in which tobacco products are sold to consumers.

"Carton" a package intended for retail sale, and which contains at least two packages of tobacco products.

"Retailer" : A person who runs a business engaged wholly or partly in selling tobacco products and/or accessories to the consumer.

"Emission" : Substance that is produced by the burning of a tobacco product being consumed.

"Entity" : Corporate entity, firm, company, association or other organization, whether or not it is endowed with legal company status.

"Manufacturer" Included with manufacturers of tobacco products, are persons who distribute, sell, package or label for sale on the market within the national territory, as well as any entity that has ties to it, including one that controls it or is controlled by it.

"To Supply" To sell, lend, assign give or convey to another, for sale or in exchange for a product or service.

"Tobacco industry" : Included with the tobacco industry, is any entity that has ties to the industry, including one that controls it or is controlled by it.

"Young person" A person less than sixteen years of age.

"Brand" or "brand element" : This includes the brand elements of a trade name, a trademark, a logo, a distinctive sign, a design, whether it is in color or not, a drawing or a slogan that can be associated with a product, a service, or a product brand, or which evokes them.

"Tobacco product" A product entirely or partly made of tobacco leaves as a raw material which is manufactured to be used for smoking, sucking, chewing or snuffing, and includes leaves and their extracts.

"To sell" This includes the act of selling, the fact of putting something up for sale or displaying it for sale.

GENERAL PROVISIONS

PART II PURPOSE

Article 3 : The purpose of this decree is to :

(a) make the public aware of tobacco products, their emissions and health hazards, and

their effects on health associated with the use of the product and exposure to their emissions, and

(b) to bring about a reduction in the consumption of tobacco and exposure to second-hand smoke.

Article 4 : This decree does not have the effect of releasing manufacturers or retailers from the obligations they have, as a result of any legal regulation, notably pursuant to Law n°175/YEAR/07/5th L concerning Organization for the Protection of Health against Tobacco Consumption dated April 22, 2007 and Law n°106/YEAR/05/5th L of July 31, 2005 containing ratification of the WHO Framework Convention of the Campaign against Tobacco and its protocols.

PART III ON THE PRESENTATION OF MESSAGES

Article 5 : The manufacturer shall see to it that there appears on each pack, carton or other package of tobacco products, the statement : "Authorized for Sale in the Republic of Djibouti. »

Article 6 : The manufacturer shall see to it that there appears on each pack, carton or other package of tobacco products, the date of manufacture and the number of the lot on the bottom of the pack and any packaging.

Article 7 : The manufacturer shall see to it that there is included with any packaging, in accordance with the manner determined by the order issued by the Ministry of Health, a notice including the stipulated messages.

Article 8 : The manufacturer shall see to it that the messages appear in the manner determined by the order issued by the Ministry of Health :

- (a) on accessories ;
- (b) on the inside of the packaging ;
- (c) on the cigarette itself ;
- (d) on the cellophane or other transparent material in which a pack or other package is wrapped ;
- (e) on boxes, crates or other containers containing cartons but which are not sold to consumers.

Article 9 : Retailers must post in their establishments posters bearing a regulatory message concerning Health, specifying that it is prohibited to provide tobacco products to young people less than sixteen years of age, or other pertinent messages, determined by orders issued by the Ministry of Health.

PART IV HEALTH WARNINGS AND ADDITIONAL MESSAGES

Article 10 : Messages concerning tobacco products and their emissions, and concerning Health hazards and effects on health, the use of the product and exposure to its emissions, as well as other appropriate messages, must appear on packs and packaging.

Article 11 : Warnings and additional messages may be simple text or combine image and text, providing information for consumers. They will be determined each year by order issued by the Ministry of Health.

Article 12 : Warnings and additional messages required by regulations must appear in French and Arabic.

Article 13 : The use of other national languages besides French and Arabic may be required by order.

Article 14 : Within nine months of the implementation of this decree, all manufacturers must see to it that each pack or carton of tobacco products as well as all forms of packaging and external labeling on these products bear the warnings and additional messages whose specifications will be determined by an order to be issued by the Ministry of Health.

Article 15 : The warning appearing on each pack and carton of tobacco products as well as all forms of packaging and external labeling on these products are to cover at least 50% of the main surfaces, pursuant to regulation.

Article 16 : The manufacturer shall see to it that there appears on packages of tobacco products, in the manner determined by the order issued by the Ministry of Health, additional messages concerning emissions or any other appropriate subject, which are to appear on the lateral surfaces or other spaces as may be determined. .

Article 17 : Messages required by regulation can not be printed on the tax stamps of the packages. Messages are to be printed prominently, in an indelible and irremovable manner, and are not to be in any way concealed, obstructed, veiled, or separated by other statements or images. With regard to tobacco products, in leaf, paste, or forms other than cigarettes and other tobacco products for smoking, the messages may be affixed with adhesive labels, as long as the latter are irremovable.

Article 18 : It is prohibited to sell cigarettes except in packages containing at least twenty cigarettes.

Article 19 : It is prohibited to sell tobacco products in packages with dimensions that are not in compliance with such standards as shall be established by order.

Article 20 : It is prohibited to sell a case or other empty container which has the purpose of carrying tobacco products.

Article 21 : It is prohibited to sell a product or any other means that covers or obstructs the messages required by regulation.

PART V PROHIBITED MESSAGES

Article 22 : Any packaging or labeling, as referred to in Article 10 of this Law, must in particular comply with the following provisions:

- (a) the terms "low in tar content," "light", "ultra light" "sweet", "ultra", "extra", "fresh" and "velvety", and similar terms are prohibited; and
- (b) the requirements of Article 10 of this Law and this Article apply to messages in all languages;
- (c) a figure referring to a machine test of an emission may not appear on a package, nor as part of the brand name.

PART VI ON THE APPLICATION OF THE DECREE

Article 23 : Each package of tobacco products, whatever its manner of presentation, must be in compliance with regulations. .

Article 24 : Manufacturers and retailers may not sell or place on the domestic market a tobacco product whose packaging is not in compliance with national regulations.

Article 25 : Each manufacturer must provide the Ministry of Health with a copy of all packaging that is sold in the country to illustrate each warning and each additional message on each brand in each family of brands, and for each type and each size of package.

Article 26 : The submission of copies of packaging must be carried out within 30 days after the tobacco product has been placed on the market.

Article 27 : The competent public institutions shall monitor the strict application of this regulation, undertaking to visit every site where tobacco products are stored, packaged, labeled or sold. .

Article 28 : Such institutions may undertake to seize any tobacco product that is not in compliance with the standards established by this regulation.

FINAL PROVISIONS

Article 29 : The Ministry of Health may order a manufacturer to remove from the market tobacco products whose packaging is not in compliance with this regulation, with any expenses thus incurred to be borne by the manufacturer.

Article 30 : The various Ministries concerned with issuing this regulation shall undertake to produce the necessary provisions for the implementation of this decree within a period of two months following the issuance of this decree.

Article 31 : Orders shall be issued annually by the Ministry of Health for the effective execution of this decree.

Article 32 : This decree shall take effect starting on July 24, 2008, and shall be recorded and published in the *Journal Officiel de la République de Djibouti* [Official Journal of the Republic of Djibouti].

Issued in Djibouti, July 24, 2008.
The President of the Republic,
Head of the Government
ISMAÏL OMAR GUELLEH