

Order n°2008-492/PR/MS fixing the characteristics of the smoking prohibition and prohibition posting requirements.

THE PRESIDENT OF THE REPUBLIC, CHIEF OF THE GOVERNMENT

CONSIDERING the Constitution of September 15, 1992;
CONSIDERING the Law n°48/1999/4th of bearing July 3, 1999 Orientation of the health policy;
CONSIDERING the Law n°106/2005/5th of bearing July 31, 2005 ratification of Convention Tallies WHO of tobacco control fight;
CONSIDERING the Law n°175/2007/5th bearing Organization of the Protection of Health against Nicotine of April 22, 2007;
CONSIDERING the Law n°170/2007/5th relating to attributions and the organization of the Ministry for Health;
CONSIDERING the Decree n°2008-0083/PRE of bearing March 26, 2008 nomination of the Prime Minister;
CONSIDERING the Decree n°2008-0084/PRE of bearing March 27, 2008 appointment of the members of the Government;
CONSIDERING the Decree n°2008-0093/PRE of April 4, 2008 fixing attributions of the Ministries;
CONSIDERING the Decree n°2007-0230/PR/MS of bearing December 27, 2007 Prohibition to smoke in the public places;

ON a Proposal from the Minister for Health;

The Council of Ministers heard in its meeting of July 15, 2008.

HEREBY ORDERS

Article 1: Pursuant to Article 38 of the Law n°175/2007/5th bearing Organization of the Protection of Health against Nicotine, and Article 4 of the bearing Decree n°2007-0230/PR/MS

Prohibition to smoke in the public places, this decree fixes the characteristics of the smoking prohibition sign and posting conditions.

GENERAL PROVISIONS

Article 2: The sign prohibiting smoking must be comprised of a circular band of red color in the shape of circle comprising in its center the drawing of a lit cigarette. A diagonal band of a red color crosses the circle in order

to bar the drawing of the lit cigarette. One of the medical messages in appendix may be added here.

Article 3: Any prohibition warning to smoke must be marked "INTERDIT DE FUMER" in large capital letters in order to be readable and visible, the heading in French with a subtitle in Arabic underneath.

Article 4: The sign announcing the prohibition to smoke may be transcribed in the languages of Afar and Somali, in bold capital letters in order to be legible and visible.

Article 5: The sign announcing the prohibition to smoke must be enclosed in plexiglass with a white background or on a plastic sticker with a white background.

Article 6: The sign announcing the prohibition to smoke applies to cigarettes, pipes and waterpipes.

Article 7: All signs prohibiting smoking must note, at the base of the badge, the following legal references "Pursuant to the Law n°175/2007/5th bearing Organization of the Protection of Health against the Nicotine and the bearing Decree n°2007-0230/PR/MS Prohibition to smoke in the public places of December 27, 2007 - REPUBLIQUE DE DJIBOUTI".

Article 8: The template for the no smoking sign, of which the number of, size and support will vary according to the surface planned for the reception of the public is thus fixed:

[Image of no smoking sign]

Article 9: The posting of a warning announcing the places in which it is prohibited to smoke is obligatory. The warning signs must be legible and in indelible characters.

PROVISIONS SPECIFIC TO PUBLIC AND COLLECTIVE TRANSPORT

Article 10: Article 4 of Decree n°2007-0230/PR/MS Prohibiting smoking in public places extends the prohibition to smoke in places of collective use including means of transport, collective and public, whether they are managed by an administration, a state enterprise or are privately run. The decree therefore applies to all vehicles transporting travelers or passengers.

OBLIGATIONS OF THE CONVEYOR IN SPACES OF RECEPTION

Article 11: The posting of no smoking signs is required on collective or public means of transport.

Article 12: The posting of no smoking signs is required in reception spaces of travelers or passengers, harbor stations, railway and road on the quays of stations if they are covered or hooded, taking into account Article 5 of Decree n°2007-0230/PR/MS Prohibiting smoking in public places.

Article 13: When the places are closed or covered, the conveyor must:
*Announce the prohibition to smoke in an apparent way at all the entries of the stations, roads, railways, maritime or air terminals.
*Commit to the goal of ending smoking in restricted places, and if required to punish whomever will have smoked in the protected places.

IN TRANSPORTATION VEHICLES

Article 14: In boats, trains, bus, taxis, freight vehicles with children or personnel, like in any vehicle carrying passengers, the sign prohibiting smoking must be apparent and readable for the vehicle's users.

Article 15: The vehicle code that requires the driver to "constantly remain in a state and position to execute all maneuvers and obligations without delay" reinforces the smoking ban in transport vehicles. In this context, it is illegal for drivers of vehicles to smoke while driving in the vehicle.

Article 16: With regard to air transports, the general terms of transport of the International Air Transport Association (IATA) authorize the members of the transport company to take all the necessary measures, including constraining, refusing to transport and the unloading of any passenger who does not respect the laws and regulations.

FINAL PROVISIONS RECOURSE AND SANCTIONS

Article 17: It is recommended, initially, to carry out a friendly recourse near the conveyor to enjoin him to put himself in conformity with the regulation. If these steps do not succeed, the Public Prosecutor can seize a complaint; the establishment, or the conveyor, and the person in charge can also be quoted or assigned to appear before the civil and penal jurisdictions concerned.

Article 18: It falls on any person noting an abnormal exposure to passive smoking in a place protected by a warning prohibiting smoking, to alert a policeman or a sworn agent of the driver of the vehicle.

Article 19: Any personnel of a private or public administration not conforming to the posted obligations and with the respect of the prohibition to smoke where smoking is prohibited is liable to an administrative sanction fixed by decree suggested by the Minister of Employment.

Article 20: The person in charge of the establishment and/or of the freight vehicles not conforming to the posted obligations and with the respect of the prohibition to smoke in a defended place incurs, on its side the sanction fixed by the decrees.

Article 21: Responsibility for the production and posting of a warning announcing the places where it is forbidden to smoke lies with the administrations of the institutions and establishments of the protected places.

Article 22: The various Ministries are charged, each one in what relates to it, of the execution of this Decree.

Article 23: This decree is applicable from July 31, 2008.

Article 24: This decree will be recorded and published in the Official Journal of the Republic of Djibouti.

Issued in Djibouti, on July 24, 2008.

The President of the Republic,
Chief of the Government
ISMAÏL OMAR GUELLEH
