

PRESIDENCY OF THE REPUBLIC

MINISTRY OF HEALTH,
SOCIAL WELFARE AND
NATIONAL SOLIDARITY

REPUBLIC OF GABON
Union- Labor- Justice

<p>[STAMP:] COUNCIL OF STATE Approval of President Council of State [illegible signature]</p> <p>REPUBLIC OF GABON</p> <p>UNION – LABOR – JUSTICE</p> <p>PREMIER PRESIDENT</p>	<p>Decree n° _____/PR/MSPSSN concerning the prohibition of advertising, promotion, sponsorship and underwriting of tobacco and its derivative products in the Republic of Gabon</p> <p>The President of the Republic, Chief of State;</p>
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In light of the Constitution;

In light of Order No. 01/95 of January 14, 1995, concerning the direction of health policy in the Republic of Gabon;

In light of the Framework Convention for Tobacco Control of the World Health Organization, ratified by Law n° 24/2008 of January 29, 2009;

In light of Law n° 006/2013 of August 21, 2013, concerning the implementation of tobacco control measures in the Republic of Gabon;

In light of Decree n° 00969/PR/MTEPS of November 14, 2008, determining the technical procedures for the functioning of the mandatory insurance regime for illness and social welfare;

In light of Decree n° 1376/PR/MTEPS of November 20, 2011, concerning the attributions and organization of the Ministry of Labor, Employment and Social Welfare;

In light of Decree n° 0033/PR January 24, 2014, concerning the nomination of the Prime Minister, Head of the Government;

In light of Decree n° 487 /PR/PM September 11, 2015, determining the composition of the Government of the Republic, together with the subsequent amending texts;

The Council of State having been consulted;

The Council of Ministers having been duly informed;

Decrees:

Article 1: Advertising, sponsorship, promotion and underwriting of tobacco and its derivative products are prohibited.

This prohibition chiefly concerns advertising, sponsorship, promotion and underwriting in the following forms:

- the print press;
- radio and television broadcasts;
- films and other video clips including scenes of consumption of tobacco products that must be subject to classification in order to protect minors by a notice that says, “prohibited for those under 18”;
- audio recordings;
- the use of new information and communication technologies;
- projections or ads in places of shows and other places open to the public;
- posters, billboards, leaflets or signs, whether illuminated or not;
- use of aerial, river, sea or land transport.

Article 2: The provisions of this Decree apply in particular to manufacturers, importers, suppliers, distributors or sellers and consumers of tobacco products.

Article 3: For the purposes of this Decree, the following definitions shall apply:

- **advertising/promotion:** any kind of communication, recommendation, action or commercial contribution having as its purpose, effect or likely effect, directly or indirectly to encourage the use of tobacco or a tobacco product, or that seeks to encourage consumers to choose one brand of cigarette over another;
- **sponsorship/underwriting:** any public or private contribution made to a third party in relation to an event, a team or an activity whose purpose is to promote a brand of cigarette or any other tobacco product, bearing in mind that this event, team or activity would continue to exist without this contribution;
- **distribution:** any sale or giving away for free or any other kind of donation, including sampling of tobacco products;

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- **distributor:** any natural or juridical person habitually or occasionally engaging in the sale of cigarettes or other tobacco products, whether wholesale or retail.
- **tobacco product:** all products intended to be smoked, sniffed, sucked or chewed as long as they are even partially composed of tobacco, particularly cigars, cigarillos, pipe tobacco, rolling papers and prefabricated tobacco rolls or tubes.

Article 4: The kinds of advertising for an object or product other than tobacco, either by their vocabulary or their graphic elements, by their manner of presentation or in any other way, must not constitute a direct or indirect advertisement for tobacco or tobacco products.

Article 5: It is prohibited to offer, deliver or distribute, for free or otherwise, objects bearing the name, brand or advertising emblem of a tobacco product, or the name of a producer, manufacturer or merchant of tobacco or a tobacco product, even when such products are of common use or consumption.

Article 6: It is prohibited for producers, manufacturers and merchants of tobacco or tobacco products to sponsor cultural or athletic events.

In this connection, in the course of a cultural or athletic event, it is prohibited to cause to appear, in any way whatsoever, the name, brand or advertising emblem of a tobacco product or the name of a producer, manufacturer or merchant of tobacco or tobacco products.

Article 7: Infractions of this Decree are to be punished in accordance with the provisions of Law n° 006/2013 of August 21, 2013, noted above.

Article 8: In the event of criminal prosecution pursuant to the provisions of this Decree, those responsible for the broadcast, recording or press article that has served as a support for the forbidden operation shall be considered perpetrators.

The same applies to any persons, group of persons or enterprises on whose behalf the advertisement has been made.

Articles 9: Regulatory texts shall determine, as needed, provisions of any kind that may be necessary for the implementation of this Decree.

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Unofficial Translation

Article 10: This Decree is to be registered and published, on an urgent basis, with notice hereof to be provided wherever it may be needed.

Done in Libreville, on

By the President of the Republic,
Chief of State;

Ali BONGO ONDIMBA

The Prime Minister,
Head of the Government;

Pr. Daniel ONA ONDO

The First Vice Prime Minister,
Minister of Health, Social Welfare
and National Solidarity;

Paul BIYOGHE MBA

The Second Vice Prime Minister,
Minister of Justice and Human Rights,
Guardian of the Seals;

Séraphin MOUNDOUNGA

Minister of Commerce, Small
and Medium Enterprises, Crafts
and Development of Services;

Madeleine BERRE

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