

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 defining the composition and procedures for the functioning of the National Commission for Tobacco Control</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 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° 000488/95/PR/MSPP of May 30, 1995, concerning the creation, organization and functioning of health regions and departments;

In light of Decree n° 0326 of February 28, 2013, concerning the attributions and organization of the Ministry of Health, Social Welfare and National Solidarity;

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;

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Decrees:

Article 1: The National Commission for Tobacco Control, hereinafter referred to as “the Commission,” shall consist of the following:

- the Strategic Committee;
- the Technical Committee;
- the Permanent Secretariat;
- decentralized entities.

Chapter I: The Strategic Committee

Article 2: The Strategic Committee is the guiding and decision-making body of the Commission.

It consists of:

- the Prime Minister, Head of the Government, or his representative, as president;
- the Minister of Health and Social Welfare, as vice president;
- the Minister of the Budget and Public Accounts, or his representative;
- the Minister of National Defense, or his representative;
- the Minister of the Interior, Public Safety, and Decentralization, or his representative;
- the Minister of Justice, Guardian of the Seals, or his representative;
- the Minister of Communication, Relations with Constitutional Institutions, Spokesperson of the Government, or his representative;
- the Minister of Higher Education and Scientific Research, or his representative;
- the Minister of the Digital Economy and Postal Services, or his representative;
- the Minister of Mines, Industry and Tourism, or his representative;
- the Minister of National Education and Technical and Vocational Instruction, or his representative;
- the Minister of Culture, Arts and Civic Education, or his representative;
- the Minister of Youth and Sports, or his representative;
- the Minister of Environment and Protection of Natural Resources, or his representative;
- a representative of the Economic and Social Council;
- a representative of the World Health Organization;
- the Permanent Secretary, rapporteur;
- two representatives of civil society organizations working in the domain of tobacco control.

Any other person or entity whose expertise is required.

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Article 3: Members of the Commission other than those serving on it because of their status, are to be appointed by the authorities or agencies which they serve.

The appointment of all members of the Strategic Committee is to be put into effect by an order of the Prime Minister, Head of the Government.

Article 4: The Strategic Committee shall meet at least twice a year in ordinary session, at the convocation of its president. In the event of incapacity of the president for any reason whatsoever, the vice president shall act on his behalf.

The first meeting shall take place during the first half of the year, particularly for the purpose of approving action programs and the accounts for the previous year; the second meeting, in the second half of the year, to assess the execution of action programs and review the draft budget for the following year.

However, it may meet in extraordinary session whenever the need may arise, whether at the convocation of its president, or at the request of the Minister for Tobacco Control.

Article 5: The agenda for the proceedings of the Strategic Committee shall be set by the President at the proposal of the Minister for Tobacco Control.

Convocations are to be sent in writing, except in case of emergency, at least fifteen days prior to the date set for the meeting. They are to indicate the date, agenda, and place of the meeting.

Article 6: The Strategic Committee cannot validly meet unless at least half of the members are present or represented. If this quorum is not achieved upon the first convocation, the Committee shall meet at the second convocation without the need for a quorum.

Article 7: Decisions are to be taken by a simple majority of votes of the members present or represented. In the event of a tie, the president's vote shall prevail.

Article 8: Decisions of the Strategic Committee are to be reported to members, who shall have seven days after receipt thereof to raise issues if there are any. At the end of this period, the decisions become executory.

Chapter II: The Technical Committee

Article 9: The Technical Committee shall examine, upon referral of the Permanent Secretariat, the technical aspects of questions associated with matters that fall within the competency of the Commission.

It shall formulate opinions and recommendations to be submitted for decision by the Strategic Committee.

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Article 10: The Technical Committee shall be comprised of all public and private actors working in the domain of tobacco control, notably:

- the Director General of Health, as President;
- the Director General of Environment, as Vice-president;
- the Director of the National Program for Tobacco Control, as Rapporteur;
- the Director General of Scientific Research;
- the Director General of Military Health Services;
- the Inspector General of hygiene and occupational medicine;
- the representative of the National Order of Physicians;
- the representative of the National Order of Pharmacists;
- the Director of the Cancer Institute;
- the representative of OCLAD;
- the representative of the United Nations Children's Fund;
- the representative of the World Health Organization;
- two physician researchers;
- three representatives of the most representative organizations of civil society working in the domain of tobacco control.

The *Technical Committee* may appoint any other person whose expertise is required.

Article 11: The Technical Committee shall meet whenever the need may arise, at the convocation of its president. In the event of incapacity of the president for any reason whatsoever, the vice president shall act on his behalf.

Article 12: The members of the Technical Committee are obliged personally to take part in the sessions of the Committee. In the event of incapacity, the member in question can only be represented by a colleague with the same profile.

Article 13: The Technical Committee shall make use of sub-commissions whenever the need may arise, notably:

- the Sub-Commission for community participation and health promotion;
- the Sub-Commission for legislation and regulation;
- the Sub-Commission for communication and prevention;
- the Sub-Commission for quitting tobacco;
- the Sub-Commission for research and monitoring;
- the Sub-Commission for commercialization of tobacco products;
- the Sub-Commission for follow-up and assessment of regional and international agreements signed by Gabon relating to tobacco control.

The attributions and organization of the sub-commissions are to be set by regulatory provision. Their members are to be appointed by the Technical Committee.

Article 14: In addition to the sub-commissions, the Technical Committee has a means of support called the National Support Brigade, whose composition, organization and functioning are to be set by administrative order of the Minister for Tobacco Control.

Chapter III: The Permanent Secretariat

Article 15: A permanent body of the Commission, the Permanent Secretariat is in particular responsible for the following things:

- to prepare the files to be submitted to the Strategic Committee;
- to prepare the minutes of the meetings;
- to ensure execution of the decisions of the Strategic Committee;
- to undertake the collection and dissemination of information concerning issues of tobacco control on both the national as well as the international level;
- to provide for the dissemination of scientific and technical documents;
- to prepare the draft budget, undertake and liquidate the expenses of the National Commission for Tobacco Control;
- to ensure the conservation of documents.

Article 16 The Permanent Secretariat is placed under the authority of the director of the National Program for Tobacco Control.

The Permanent Secretary shall be assisted by qualified technical support staff provided by the Minister for Tobacco Control.

He may also avail himself of the assistance of personnel coming from civil society.

Article 17: Provisions concerning the organization as well as the functioning of the Permanent Secretariat are to be set by administrative order of the responsible minister.

Chapter IV: Decentralized entities

Article 18: Decentralized entities shall see to the implementation of the decisions of the Commission in the health regions and departments. They shall include the provincial and department committees.

Article 19: The provincial committee shall consist of the following individuals:

- the governor of the province, or his representative, as president;
- the mayor of the provincial capital, or his representative, as vice president;
- the Regional director for Health, or his representative, as permanent secretary.
- the president of the provincial committee shall appoint the other members of the provincial committee.

Article 20: The departmental committee shall consist of the following individuals:

- the prefect, or his representative, as president;
- the president of the departmental council, or his representative, as vice president;
- the chief physician of the department, or his representative, as permanent secretary.

The president of the departmental committee shall appoint the other members of the departmental committee.

Article 21: The provincial and departmental Committees shall meet in ordinary session at least twice a year, upon convocation of their presidents.

Article 22: Pursuant to the provisions of Articles 20 and 21 above, depending on the circumstances, creation of additional committees may be arranged in a province or department by administrative order of the Minister for Tobacco Control, whose organization is to be set by administrative order.

Chapter V: Resources

Article 23: In accordance with the provisions of Article 48 of Law n°006/ 2013 of August 21, 2013, noted above, the resources of the Commission shall primarily consist of the following:

- subsidies from the State;
- its own resources resulting from the proceeds of fines and rebates;
- contributions from development partners
- gifts and bequests.

Article 24: The resources necessary to the commission's functioning shall be written in a budget line allocated to the Ministry for Tobacco Control.

The permanent secretary shall be the officer in charge thereof.

Chapter VI: Miscellaneous and final provisions

Article 25: The service of Commission members is rendered free of charge.

However, in compensation for expenditures associated with the performance of their mission, members of the Commission may seek payment of

financial compensation pursuant to the provisions set forth in the legislative texts in force.

Article 26: Regulatory texts shall determine, insofar as there may be a need, provisions of any kind that may be necessary for the implementation of this Decree.

Article 27: 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

Minister of the Interior, Decentralization,
Security and Public Hygiene;

Pacôme MOUBELET BOUBEYA

Christian MAGNAGNA