

**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><b>Decree n° _____/PR/MSPSSN</b> concerning the prevention of interference by the tobacco industry in health policy 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 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;

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: This Decree determines the measures to be implemented for the prevention of interference by the tobacco industry in health policy.

## **Chapter 1: Definitions, principles and rules**

**Article 2:** This Decree encompasses the definitions enshrined in the legal texts in force with regard to tobacco control.

**Article 3:** Pursuant to the provisions of the texts in force, the activities of the tobacco industry must not undermine or call into question actions for tobacco control.

In particular, the tobacco industry must not:

- engage in activities of philanthropy or patronage;
- use lobbying firms or pressure groups;
- conduct disinformation campaigns;
- finance research;
- make use of opinion leaders or other industries;
- create or make use of front organizations.

**Article 4:** In application of the provisions of Article 3 above, the tobacco industry may not, under any circumstances whatsoever, be associated with the drafting, implementation or assessment of public policies for tobacco control.

**Article 5:** relations between the State and the tobacco industry are to be covered by the principle of transparency.

**Article 6:** Damages and other losses resulting from the effects of tobacco use are to be compensated in accordance with the provisions of the texts in force.

## **Chapter II: Incompatibilities and conflicts of interest**

**Article 7:** It is prohibited for any public official, or for any natural or juridical person serving on tobacco control bodies to have direct or indirect interests in the tobacco industry, under penalty of losing his position.

**Article 8:** It is prohibited for any public official, for any administration or any other entity of the State involved in tobacco control, to accept, approve or solicit any financial contribution, gift, favor or gratuity from the tobacco industry, under penalty of the sanctions provided by law, which sanctions may be criminal or disciplinary.

## **Chapter III: Relations between government and the tobacco industry**

**Article 9:** In application of the provisions of Article 5 above, the semiannual reports drawn up by tobacco companies for the Ministry for Tobacco Control are to address the following things in particular:

- revenues and profits from tobacco products, broken down by region and sector and, for tobacco producers and importers, by wholesalers and retailers;
- volume and quantity of tobacco and tobacco products manufactured, imported, stocked and sold;
- location, address and company name of all affiliates, subsidiaries, joint ventures, partners, suppliers and licensees in this sector;
- any suits brought against the company or one of its representatives for violation of the rules pertaining to tobacco control;
- whether or not they belong to a professional organization of the industry.

This information is to be made public by the Government within thirty days following their receipt, except for information protected by law, or information that is misleading or likely to serve as advertising for the company producing the report, or for its products.

#### **Chapter IV: Miscellaneous and final provisions**

**Article 10:** Infractions of this Decree are to be punished in accordance with the provisions of Law n° 006/2013 of August 21, 2013, noted above.

**Articles 11:** Regulatory texts shall determine, as needed, provisions of any kind that may be necessary for the implementation of this Decree.

**Article 12:** 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**

Unofficial Translation

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**

The Minister of Mines and Industry.

**Rutin Martial MOUSSAVOU**