

OFFICE OF THE PRESIDENT OF THE REPUBLIC

-----  
GENERAL SECRETARIAT  
OF GOVERNMENT

REPUBLIC OF GUINEA

-----  
Labor - Justice - Solidarity  
-----

DECREE D/2012/ 131 /PRG/SGG

CONCERNING PROMULGATION OF LAW L/2012/039/CNT  
OF NOVEMBER 15, 2012

*THE PRESIDENT OF THE REPUBLIC*

In light of the Constitution;

**DECREES**

**Article 1:** Law L/2012/039/CNT of November 15, 2012, concerning the commercialization, consumption, advertising and sponsorship of tobacco and its derivative products, is hereby ratified.

**Article 2:** This Decree, which is to take effect as of the date of its signature, is to be registered and published in the *Journal Officiel de la République*.

Conakry, **DEC 10, 2012**

[illegible signature]

**Prof. ALPHA CONDE**

**REPUBLIC OF GUINEA**

Labor - Justice - Solidarity

**National Council of the Transition**

**Law**

**Law No. L/2012/039\_\_\_/CNT**

**CONCERNING THE COMMERCIALIZATION, CONSUMPTION, ADVERTISING  
AND SPONSORSHIP AND ITS DERIVATIVE PRODUCTS**

**THE NATIONAL COUNCIL OF THE TRANSITION**

**In light of the Constitution,**

**In light of Law L/2004/019/AN of November 10, 2004, promulgating and ratifying the Framework Convention for Tobacco Control of the WHO.**

In light of the provisions of Article 173 of the Code of Public Health,

After deliberating on the matter, it has adopted the law whose content is as follows:

**TITLE 1: GENERAL PROVISIONS**

**Article 1:**

This law aims to prevent and fight the dangers associated with tobacco consumption, and to protect the health of the public.

TITLE II: PROVISIONS APPLICABLE TO PUBLIC PLACES AND MEANS OF PUBLIC TRANSPORTATION

**Article 2:**

It is strictly forbidden to smoke in the following places subject to public use:

- School and university institutions;
- Meeting rooms, conference rooms and venues for spectacles;
- Eating places;
- Dormitories;
- Public transportation of persons;
- Service stations;
- Hospital institutions or public, private or community health care facilities;
- Public and private pharmaceutical establishments, public or private storage facilities for pharmaceutical products;
- Kindergartens and places where children are accommodated;
- Movie houses, theaters and concert halls;
- Sports facilities and stadiums;
- Waiting rooms, reception areas;
- Airports and on board passenger aircraft;
- On board urban public transit vehicles;
- Libraries;
- Public elevators;
- Public administration offices, offices of government departments
- Hotel corridors;
- Bars, restaurants;
- Cafes, nightclubs;
- Bus stations, bus stops and on board interurban, regular or occasional highway transportation vehicles.

**Article 3:**

The prohibition of smoking set forth in the foregoing article must be substantiated through a highly legible notice prominently posted by the manager, administrator or proprietor of places subject to shared use.

**Article 4:**

An area reserved for smokers must be provided by hotels, bars, restaurants, cafes, nightclubs, workplaces, bus and train stations and airports.

The aforesaid areas must comply with requirements that are to be specified by decree.

**TITLE III: PROVISIONS APPLICABLE TO ADVERTISING IN ALL ITS FORMS**

**Article 5:**

Any kind of advertising tending to promote tobacco or products derived from tobacco is strictly prohibited, as well as any promotional activity for the the aforesaid products, particularly:

- By radio and television broadcast through any sort of medium whatsoever;
- By the print press and internet websites;
- By projections or advertisements in venues of spectacles and *other public places*;
- By posters, advertising billboards, leaflets and signs, whether illuminated or not;
- By signs and posters indicating tobacco shops;
- Generally speaking, by any means of communication intended to be read, seen or heard by more than one person at a time, as well as individual broadcasts addressed to several people.

Offering, delivery or distribution of tobacco for free are prohibited when they are addressed to the public, or for advertising or publicity purposes;

Any publicity or advertising for a tobacco product and/or tobacco derivatives that through its language, graphic appearance, shape, combination of colors or logo, as well as on packaging units that constitute direct or indirect advertising for the said products addressed to the public, is strictly prohibited.

**Article 6:**

Also prohibited are any kinds of sponsorship, underwriting or promotion of tobacco or tobacco products.

**Article 7:**

The prohibitions indicated by the provisions of Article 2 and 3 of this Law are applicable to any natural or juridical person regardless of the place or means used, provided that they are subject to public use.

**TITLE IV: PROVISIONS CONCERNING LABELING AND PACKAGING OF TOBACCO AND ITS DERIVATIVE PRODUCTS**

**Article 8:**

Packs of cigarettes and other packaging units for tobacco and its derivatives made available to consumers must exhibit health warnings in a prominent place, particularly the statement, "TOBACCO IS DANGEROUS TO HEALTH."

Health warnings are to be printed:

- In bold black indelible Helvetica font, perfectly legible, in black on a white background, and in upper case letters, and covering 30% of each of the two (2) main surfaces of the cigarette pack or any other *tobacco packaging units*.
- Surrounded by a black border with a thickness of at least 3 mm, not interfering in any way with the text of the health warnings.

No term or statement whatsoever can appear on packaging units of tobacco products that could give a false impression concerning their harmful effects on health.

**Article 9:**

Packs, cartons and other packaging units for tobacco products must exhibit in a perfectly legible fashion the statement "**FOR SALE IN GUINEA,**" the name of the brand, the country of origin of the product and the lot number as well as the content in nicotine, tar, carbon monoxide

and any other chemical or bacteriological ingredients contained in the tobacco and its products.

**Article 10:**

A certificate issued by a duly accredited laboratory certifying the percentages of the ingredients used in the manufacture or preparation of a tobacco product is required for any importation or exportation of the said tobacco and its products.

**Article 11:**

For the implementation of the provisions of Articles 8 and 9 of this Law, operators, particularly manufacturers, importers, exporters, and wholesale and retail dealers, shall have a period of 24 months counting from the date of publication of this Law in the *Journal Officiel de la Republique* to enter into compliance with the required standards of marking.

After this time elapses, any pack of cigarettes not in compliance shall be considered illegal, and will be sanctioned in accordance with this Law.

**TITLE V: PENAL PROVISIONS**

**Article 12:**

Anyone who violates the provisions of Articles 2, 3 or 4 of this Law shall be punished with imprisonment of from 15 days to one month, and a fine of from *100,000 GNF to 500,000 GNF*, or one of these penalties only.

**Article 13:**

Anyone who violates the provisions of Articles 5 or 6 of this Law shall be punished with imprisonment of from 15 days to one month, and a fine of from *100,000 GNF to 500,000 GNF*, or one of these penalties only, without impairment to the confiscation of the items serving for the advertising, promotion or sponsorship.

**Article 14:**

Any natural or juridical person who shall violate the provisions of Articles 7 or 8 of this Law shall be punished with imprisonment of from 1 to 5 years, and a fine of from *100,000,000 GNF to 500,000,000 GNF*, without impairment to the confiscation and destruction of the incriminated items.

**Title VI FINAL PROVISIONS**

**Article 15:**

A National Committee for Tobacco Control is hereby created, whose mission, organization, composition and operating procedures shall be subject to a decree by the President of the Republic.

**Article 16**

A decree by the President of the Republic shall determine the procedures for the implementation of this Law.

**Article 17:**

This Law, which shall take effect as of the date of its promulgation, is to be registered, published in the *Journal Officiel de la Republique*, and executed as a Law of the State.

Conakry, **November 15, 2012**

The Secretary of the Session

[STAMP]

[illegible signature]

Mme. Uisse Hadja Mariama Soudou Diallo

The Secretary of the Session

[STAMP]

[illegible signature]

El Hadj Mamadou Saliou Sylla