

REPOBLIKAN'I MADAGASIKARA
Tanindrazana - Fahafahana - Fandrosoana

MINISTRY OF ECONOMY, FINANCE
AND BUDGET
MINISTRY OF INDUSTRIALIZATION, TRADE
AND PRIVATE SECTOR DEVELOPMENT
MINISTRY OF HEALTH

Interministerial Order No. 18171
laying down the rules on industrialization,
importation, marketing and consumption of
tobacco products in Madagascar.

MINISTER OF ECONOMY, FINANCE AND BUDGET
THE MINISTER FOR INDUSTRIALIZATION, TRADE AND
PRIVATE SECTOR DEVELOPMENT,
MINISTER OF HEALTH,

Considering the Constitution,
Considering Ordinance No. 62 - 072 of 29 September 1962 codification of laws relating
to public health and its subsequent texts;
Considering Decree No. 2003 - 007 of 12 January 2003 appointing the Prime Minister,
Head of Government;
Considering Decree No. 2003 - 008 of 16 January 2003 appointing the members of the
Government;
Considering Decree No. 2003 - 166 of 21 March 2003 determining the functions of the
Minister of Economy, Finance and Budget and the General Organization of the Ministry;
Considering Decree No. 2003 - 010 of 11 February 2003 establishing the powers of the
Minister of Industrialization, Trade and Private Sector Development and the General
Organization of the Ministry;
Considering Decree No. 2003 - 162 of 25 February 2003 amending Decree No. 2002 -
813 of 07Août 2002 determining the functions of the Minister of Health and the General
Organization of the Ministry;
On the proposal of the Minister of Health,

ORDER:

First article:

The provisions of this Interministerial Order set the rules on industrialization, import,
marketing and consumption of tobacco products in Madagascar and the repeal of Decrees

No. 6858/97 of 31 July 1997 regulating markings on health cigarette packs sold in Madagascar and No. 4048/98 of 25 May 1998 governing the practical arrangements for marking all unit packets of tobacco products.

DEFINITIONS

Article 2:

For the purposes of this Order, the following term means:

“tobacco”: the leaves of the tobacco plant or *Nicotina tabacum*.

“tobacco products”: products made wholly or partly of tobacco leaf as its raw material, and intended for smoking, sucking, chewing or snuffing.

- • “the tobacco industry”: manufacturing companies, distribution companies and wholesale distribution of tobacco products and importers of these products.
- • “tobacco control”: a series of strategies to reduce supply, demand and adverse effects to improve the health of a population by eliminating or reducing consumption of tobacco products and exposure to tobacco smoke.
- • “tobacco advertising and promotion of tobacco”: any form of communication, recommendation or action with the aim, effect or likely effect of directly or indirectly promoting a tobacco product or tobacco use;
- • “tobacco sponsorship”: any form of contribution to any event, activity or individual with the aim, effect or likely effect of directly or indirectly promoting a tobacco product or tobacco use.
- • “illicit trade”: means any practice or conduct prohibited by the Act on the production, shipment, receipt, possession, distribution, sale or purchase, and any practice or conduct intended to facilitate such activity.

MARKING

Art. 3 .- All units of packaging of tobacco products of foreign and local products, for consumption on the territory of the Republic of Madagascar must bear the following indications and warnings:

1 ° - For cigarettes:

• • On a lateral side of each package, in Malagasy "arrack ny-Didim pitondrana laharana FAHA. tamin'ny.

LOZA an'ny HO SY FAHASALAMAKO NY an'ny HAFA "

and French: "According to Decree No. of.

HAZARDOUS TO MY HEALTH AND THAT OF OTHERS "

• • On the other lateral side of the package marked in Malagasy:

"Amidy ETO MADAGASIKARA"

and in French: "FOR SALE IN MADAGASCAR"

This information must cover at least 50% of the surface area.

2 - For other tobacco products according to their type and form of packaging, the above - mentioned must be made in the most visible areas of their packaging unit, in Malagasy and French and cover at least 50% of the surface.

OF DUTY AND MEASURES

Art. 4 .- It is the duty of every citizen of Madagascar, to inform their fellow citizens and ensure the flow of information concerning the adverse consequences for health, addictive nature and mortal threat posed by tobacco consumption and the exposure to tobacco smoke.

Art. 5 .- An upward revision of tax measures is foreseen with respect to manufacture, import and marketing of tobacco products.

Art. 6 .- It is the responsibility of all ministries and institutions and other entities to work together to:

- - Develop and implement effective programs to promote cessation of smoking in all public places covered and / or deemed covered include schools, health facilities, workplaces and sporting environments and recreation;
- - Include prevention, diagnosis and treatment of tobacco dependence in the plans, programs, strategies and national development;
- - Work with partners to facilitate access to treatment for dependence on tobacco at an affordable price.

ON PROHIBITION

Art. 7 .- For the protection of non smokers against exposure to tobacco smoke, the following are prohibited:

- Smoking in workplaces, public transport, covered public places and / or deemed covered.
- The act of chewing, sucking and snuff tobacco products in the places listed above. If necessary, it is the leaders of these places provide for the establishment of a place built for smoking, preferably in the open air.

Art. 8 .- The following shall be prohibited within the Malagasy territory and in international acts stemming from the Malagasy territory:

- - All forms of advertising, promotion and sponsorship of tobacco products that promote a tobacco product.
- - The use of incentives that directly or indirectly encourage the purchase and consumption of tobacco products.

Art. 9: The following are prohibited:

- - Sale of tobacco products to minors under 18 years
- The sale of tobacco products by minors under 18 years
- The places of sale of tobacco products must bear clearly and legibly marked: in Malagasy "RARANA NY Sigar FIVAROTANA NA PARAKY AMIN'NY ZAZA LATSAKY NY Taon 18. arrack ny-Didim pitondrana laharana FAHA tamin'ny" and French "SALE OF CIGARETTES AND TOBACCO TO MINORS PROHIBITED. according to Decree No of"
- Vending machines for tobacco products

Art.10: The following are prohibited:

- - All forms of illicit trade, including illicit manufacturing and counterfeiting of tobacco products.

ADMINISTRATIVE SANCTIONS

Art. 11 .- destroyed all tobacco products manufactured and sold in violation of Articles 3 and 10 must be confiscated and destroyed.

Art. 12 .- The violation of the provisions of Article 7 entails the immediate expulsion of the perpetrator by the person in charge of that place. If the offender is responsible for the places, the closure or temporary suspension of 48 hours of activities will be delivered.

Art. 13 .- Violation of Article 9 involves the destruction and confiscation of tobacco products and the immediate closure of the place of sale for 3 days. In case of recidivism, the duration of closure of the place is increased to 6 days.

Art. 14 .- The violation of Article 8 is summoned at the request of the Ministry of Health, to immediately cease the advertising, promotion or sponsorship. In case of persistence, all media of any kind whatsoever shall be seized and confiscated by the authorities of the forces required for this purpose.

Art. 15 .- The forces are empowered to make the confiscation, destruction and closure under previous articles.

FINAL PROVISIONS

Art. 16.- All provisions of this Act apply throughout the territory of the Republic of Madagascar from the date of signature.

It is awarded to the tobacco industry, 90 days from the date of this publication in the Official Gazette of the Republic to remove previous legislation and apply the new

Unofficial Translation

regulations relating to the packaging and labeling of tobacco products.

The period of 90 days granted above, absent exceptional circumstances, cannot be waived or excepted, regardless of their motivation or interest at stake raised to justify such action.

Art. 17 .- All previous provisions contrary to those in this Order shall remain repealed.

Art. 18 .- This Decree will be published in the Official Gazette of the Republic and communicated wherever necessary. / --

Antananarivo, 22 October 2003

THE MINISTER FOR INDUSTRIALIZATION, THE MINISTER OF HEALTH,
TRADE AND DEVELOPMENT
OF THE PRIVATE SECTOR,

RAZAFIMIHARY Mejamirado

RASAMINDRAKOTROKA Andry

MINISTER OF ECONOMY
FINANCE AND BUDGET

Benjamin Radavidson Andriamparany