

Unofficial Translation

Mme DIARRA
OFFICE OF THE PRIME MINISTER

SECRETARY GENERAL OF
THE GOVERNMENT

REPUBLIC OF MALI
One People – One Purpose – One Faith

DECREE No. 2012- 343 / P-RM OF JUNE 27, 2012

DETERMINING THE PROCEDURES FOR THE IMPLEMENTATION OF LAW No. 10-033 OF
JULY 12, 2010, CONCERNING THE SALE AND CONSUMPTION
OF TOBACCO AND TOBACCO PRODUCTS

THE PRESIDENT OF THE REPUBLIC,

- In light of the Constitution;
- In light of Law No. 92-002 of August 27, 1992, as amended, concerning the Code of Commerce in the Republic of Mali;
- In light of Law No. 01-020 of May 30, 2001, concerning pollution and nuisances;
- In light of Law No. 01-75 of July 18, 2001, instituting the Customs Code in the Republic of Mali;
- In light of Law No. 01-079 of August 20, 2001, concerning the Penal Code;
- In light of Law No. 01-080 of August 20, 2001, concerning the Code of Penal Procedure;
- In light of Law No. 10-033 of July 12, 2010 concerning the sale and consumption of tobacco and tobacco products;
- In light of Decree No. 2012-193/P-RM of April 17, 2012, concerning the nomination of the Prime Minister;
- In light of Decree No. 2012-194/P-RM of April 24, 2012, concerning the nomination of members of the Government;
- In light of Decree No. 2012-222/P-RM of May 11, 2012 setting the terms of office of the members of the Government;

RULING IN THE COUNCIL OF MINISTERS,

DECREES

TITLE 1: GENERAL PROVISIONS

Article 1: This Decree determines the procedures for the implementation of Law No. 10-33 of July 12, 2010, concerning the sale and consumption of tobacco and tobacco products.

[STAMP: Ministry of Health ... July 5, 2012]

TITLE II: MEASURES FOR PROTECTION AGAINST TOBACCO

CHAPTER I: INFORMATION CONCERNING TOBACCO PRODUCTS

Article 2: Manufacturers and importers are required, prior to putting any new tobacco product up for sale on the national market, to submit the results of tests concerning content of nicotine, tar and carbon monoxide to the National Committee for Tobacco Control.

Products already on the market shall be subject to submission of a declaration to the National Committee for Tobacco Control within three (3) months following the adoption of this Decree.

This declaration, in the form of a signed letter, must contain the following information:

- The name of the manufacturer;
- The name of the importer;
- The brand;
- The country of origin;
- The content of nicotine, tar and carbon monoxide.

Article 3: The National Committee for Tobacco Control may submit the results of the tests mentioned in Article 2 for review by independent experts in a laboratory of its choice.

If the results submitted by the manufacturer or importer prove to be incorrect, the National Committee for Tobacco Control shall avail itself of the competent technical services of the State to undertake the confiscation and destruction of the products in question, without impairment to the sanctions set forth in Article 17 of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products.

Article 4: The National Committee for Tobacco Control shall also avail itself of the competent technical services of the State to undertake the confiscation and destruction of any tobacco product placed on the national market and for which the results of tests concerning content of nicotine, tar and carbon monoxide have not been submitted to it, without impairment to legal prosecution provided for in this regard.

CHAPTER II: INFORMATION REQUIRED ON PACKS, CARTONS AND OTHER PACKAGING UNITS OF TOBACCO AND TOBACCO PRODUCTS

Article 5: Each pack, carton and other packaging unit of tobacco products made available for public consumption must display the following health warning: **“Tobacco is seriously harmful to your health.”**

Article 6: The health warning shall cover 30% of each one of the two (2) main surfaces of the pack, carton or other form of packaging of tobacco products.

It is to be printed in bold, black **“Helvetica”** characters, indelible and plainly legible, on a white background and in lower case, except for the first letter of the message, on the lower part of the pack, carton or any other form of packaging of tobacco products, parallel to the lower edge, all of it being included in a rectangle whose borders are black, with a thickness of at least 3 mm.

Article 7: The packs, cartons or other forms of packaging of tobacco products intended for sale on the Malian market, whether manufactured in Mali or imported, must display in a plainly legible fashion on one of the lateral surfaces, in “Helvetica” characters, the following statements and information: “Manufactured or for sale in Mali,” the name and country of origin of the manufacturer, as well as the content of nicotine, tar and carbon monoxide.

Statements concerning the lot number and brand must appear in a plainly legible fashion. They may be printed or inscribed on one or several surfaces.

Article 8: The minimal size for the required statements and information are defined as follows:

For products manufactured locally:

- “Manufactured in Mali” : 2 mm;
- “For sale in Mali” : 2 mm;
- “Name of manufacturer” : 2 mm.

For imported products:

- “For sale in Mali” : 2 mm;
- “Name of manufacturer” : 1 mm.
- “Country of origin of manufacturer” : 1 mm.

Statements concerning content of tar, nicotine and carbon monoxide are to be printed horizontally on one of the lateral surfaces of the pack or carton, and must cover at least 10% of the respective surface.

Article 9: An inter-ministerial Administrative Order issued by the Ministers of Industry, Health and the Environment shall set the maximum content of tar, nicotine and carbon monoxide.

Article 10: Manufacturers and importers of tobacco and tobacco products are provided with a period of twelve (12) months, counting from the date of publication of this Decree in the Official Journal, to enter into compliance with the provisions of Articles 5 to 8.

Violators of this provision are susceptible to the punishments indicated in Article 17 of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products.

CHAPTER III: ADVERTISING, SPONSORSHIP AND OTHER KINDS OF PROMOTION OF TOBACCO

Article 11: Any kind of advertising tending to promote tobacco or tobacco products in the public eye, as well as any sponsorship or promotion of the aforesaid products, is strictly prohibited, particularly by the following means:

- Radio or television broadcast;
- Articles in the press or presentations on Internet sites;
- Projections or commercials in places of shows and other public facilities;
- Posters, billboards and brochures.

Article 12: Any kind of communication on tobacco and tobacco products intended to be read, seen or heard by more than one person at a time is strictly prohibited, as well as individual communications addressed to several persons.

Article 13: The offering, delivery or distribution for free of tobacco and tobacco products as a disguised form of promotion, are prohibited.

Article 14: Any advertising for tobacco and tobacco products that, through its vocabulary, graphic elements, form, combination of colors or logos at points of sale constitutes indirect or disguised advertising addressed to the public, is strictly prohibited.

Article 15: The provisions of Articles 11 to 14 cited above do not apply to communication between professionals in the field, or to points of sale for tobacco and tobacco products in Mali.

Article 16: Any infraction of the provisions of Articles 11 to 14 above subject the offender to the punishments set forth in Article 19 of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products.

CHAPTER II: EXPOSURE TO TOBACCO SMOKE

Article 17: Areas reserved for smokers may be established in airports.

The aforesaid areas are closed rooms in which no service is to be provided, and where upkeep or maintenance tasks may not be performed without the air's having been refreshed, in the absence of all occupants, for at least one hour.

Areas reserved for smokers are to adhere to the following standards:

- To be prohibited to persons under the age of 18;
- To be identified as a "Smoking Area" ;

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- To be equipped with a device for the extraction of air by mechanical ventilation allowing for a renewal of the air at least ten (10) times the volume of the air contained in the reserved space, per hour. This device is to be entirely separate from the ventilation or climate control system of the building. The place is to be kept under continuous negative pressure of at least five pascals with respect to the adjoining rooms;
- To be equipped with automatic closing doors without the possibility of unintentional opening;
- Not to consist of a passageway between other spaces.

CHAPTER IV: INVESTIGATION, ENFORCEMENT AND SUPPRESSION OF INFRACTIONS

Article 18: Violations of the provisions of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products are to be investigated by officers of the judicial police, agents of the customs service and agents deputized by the Ministry of Commerce.

To this end, they are to draw up a notice of violation, which is to be forwarded to the competent legal authorities.

Article 19: The prosecution and suppression of violations of the provisions of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products fall within the jurisdiction of the judicial authorities.

However, officers of the judicial police, agents of the customs service and agents deputized by the Ministry of Commerce are authorized to take enforcement action against the infractions indicated in Article 15 of Law No. 10-033 of July 12, 2010, concerning the consumption and sale of tobacco and tobacco products.

TITLE III: FINAL PROVISIONS

Article 20: This Decree supersedes any prior provisions at variance with it, particularly Decree No. 97-0162/P-RM of May 7, 1997, setting the procedures for the implementation of Law No. 96-041 of August 7, 1996, concerning restrictions on advertising and use of tobacco.

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Article 21: The Minister of Commerce, Mines and Industry, the Minister of Health, the Minister of Energy, Water and the Environment, the Minister of Equipment, Transportation, Housing and Urban Planning, the Minister of Internal Security and Civil Protection, the Minister of Economy, Finance and the Budget, the Minister of Justice, Attorney General, the Minister of Youth Affairs, Labor, Employment and Occupational Training, the Minister of Economy, Finance and Budget, and the Minister of Crafts, Culture and Tourism are charged, each within the scope of their concerns, with the execution of this Decree, which is to be registered and published in the Official Journal.

Bamako, June 27, 2012

**For the acting President of the Republic,
The Prime Minister**

[illegible signature]

Doctor Cheick Mohamed Abdoulaye Souad called Modibo DIARRA

The Prime Minister,

[illegible signature]

Doctor Cheick Mohamed Abdoulaye Souad called Modibo DIARRA

The Minister of Health,

[illegible signature]

Soumana MAKADJI

**The Minister of Agriculture, Livestock and Fisheries,
Acting Minister of Energy, Water and Environment**

[illegible signature]

Moussa Léo SIDIBE

The Minister of Agriculture, Livestock and Fisheries,

[illegible signature]

Moussa Léo SIDIBE

**The Minister of Equipment, Transportation,
Housing and Urban Planning**

[illegible signature]

Mamadou COULIBALY

The Minister of Internal Security and Civil Protection

[illegible signature]

General Tiefing KONATE**Minister Delegated by the Minister of Economy,
Finance and Budget, of the Budget,
Acting Minister of Economy, Finance and Budget.**

[illegible signature]

Marimpa SAMOURA**Minister of Justice, Attorney General**

[illegible signature]

Malick COULIBALY**Minister of Youth Affairs, Labor, Employment
and Occupational Training**

[illegible signature]

Mamadou DIAKITE**Minister of Communication, Postal Service and New
Technology, Government Spokesperson**

[illegible signature]

Hamadoun TOURE**Minister of Sports**

[illegible signature]

Hameye Founé MAHALMADANE**Minister of Commerce, Mines and Industry**

[illegible signature]

Ahmadou TOURE**Minister of Commerce, Mines and Industry,
Acting Minister of Crafts, Culture and Tourism**

[illegible signature]

Ahmadou TOURE