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NOTIFICATION

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SUMMARY

Council of Ministers

Decree No. 11/2007:

The Regulation of Consumption and Marketing of Tobacco is approved.

Decree No. 12/2007:

Article 8 of Decree No. 20/2003 of 20 May, which established the Road Administration System is amended.

Decree No. 13/2007:

Concerning the competencies of the National Administration of Roads.

Decree No. 14/2007:

For the establishment of the Individual Assistance Counters, designated by the abbreviations IABs and approval of the respective Organic Statute.

Decree No. 16/2007:

Recognises the Manhiça Foundation, in its capacity subject to the law as a legal entity and grants the Statute of Public Liability.

Decision No. 17/2007:

Defines football, basket ball, athletics and volley ball as priority types of sports.

Decision No. 18/2007:

Approves town and country planning policies.

COUNCIL OF MINISTERS

Decree No. 11/2007

of 30 May

Due to its need to regulate the consumption of tobacco and exposure to smoke in closed public or private, collective or individual places, with the rules which prohibit tobacco smoking in public places, in accordance with the provisions of paragraph f) of No. 1 of Article 204 of the Constitution of the Republic, the Council of Ministers decrees:

Article 1. The Regulation on the Consumption and Marketing of Tobacco, annexed to this Decree and forming an integral part of it, is approved.

Article 2. The consumption of tobacco in public places and collective environments is prohibited, and the proprietors of all public space must define smoking and non-smoking areas.

Article 3. This Decree enters into force 180 days after its publication.

Approved by the Council of Ministers on 27 March 2007.

To be published.

The Prime Minister, *Lúsa Dias Diogo*.

**REGULATION OF CONSUMPTION
AND MARKETING OF TOBACCO**

CHAPTER I

General Provisions

Article I

General definitions

For the purpose of this Regulation, the following terms apply:

- a) **Illicit trade:** any practice or conduct prohibited by law, related to the production, dispatch, transport, receipt, possession, distribution, purchase or sale, including all practices or conduct destined to facilitate this activity;
- b) **Advertising and promotion of tobacco:** without prejudice to the provisions of the legislation in this regard, this is any kind of communication, recommendation or commercial action with the objective, purpose or probable effect of promoting, directly or indirectly, the consumption of products derived from tobacco;
- c) **Control of tobacco:** a set of strategies aimed at reducing the supply, demand and litigation of the harmful effects resulting from consumption of tobacco and exposure to its smoke, with the objective of improving the population's health, eliminating or reducing the consumption of tobacco and exposure to smoke from tobacco products;

- d) **Tobacco industry:** the group of manufacturers, wholesale distributors, importers and exporters of tobacco products, including the marketing circuit;
- e) **Tobacco:** all the products which are totally or partially prepared using tobacco leaves as the prime material, destined to be smoked, chewed, sucked or inhaled.
- f) **Sponsorship of tobacco:** any form of contribution to any event, activity or individual with the objective, effect, or possible effect, of directly or indirectly promoting a tobacco product or its consumption;
- g) **Smoking areas:** areas destined exclusively for smoking or the consumption of tobacco products, isolated accordingly and with suitable aeration;
- h) **Commercial establishments for smokers:** establishment where the main business and activity is the sale and consumption of tobacco products to the general public;
- i) **External packaging and labelling:** in relation to tobacco products, this applies to any packaging and labelling used in the sale of tobacco products;

Article 2

Principles

1. All people have the right to be informed about the health consequences of an addictive nature, or causing harm, or which may be fatal, resulting from the consumption of tobacco and exposure to tobacco smoke.
2. Legislative and administrative measures will be implemented to protect all people from the presence of tobacco smoke.

CHAPTER II

REDUCTION OF TOBACCO DEMAND

Article 3

Prices and taxes to reduce the demand for tobacco

Tax policies must be applied to tobacco products and, if applicable, high price policies which contribute to the attainment of healthcare objectives focussed on the reduction of tobacco consumption.

Article 4

Prohibition of smoking

1. The use of cigarettes, cigars, pipes or any other smoking product derived from tobacco, is prohibited in collective or public closed environments, for example; public offices, hospitals, schools, libraries, work environments, theatres, cinemas and restaurants, except locations set aside for smokers or the consumption of tobacco products.
2. Smoking in all State institutions is prohibited.
3. Smoking in aircraft and other public collective or private transport vehicles is prohibited.
4. Smoking in airports, closed bus terminals, train stations and ferry terminals is prohibited.
5. The production, marketing, importation and distribution of food in the form of cigarettes, cigars or any other smoking product, derived or not derived from tobacco, is prohibited.

Article 5

Spaces for smokers/ smoking areas

1. The consumption of tobacco products is permitted in the following spaces or public areas:
 - a) Establishments for smokers:
 - b) Bars, discotheques, restaurants and other public spaces where the main activity is the sale of alcoholic drinks. This is subject to compliance with the provisions of number 2 of this Article;

- c) Night clubs, casinos and other spaces where the main activity is the provision of entertainment. This is subject to compliance with the provisions of number 2 of this Article;
- d) Hotels, pensions, lodgings, guest houses and other spaces where the accommodation is offered by way of rent. This is subject to compliance with the provisions of number 2 of this Article;
- e) Boats, ferries, trains, airports, ports and railways stations, bus stations, workplaces. This is subject to compliance with the provisions of number 2 of this Article;

2. All employers, managers or holders of the licence for the use of the spaces described in number 1 of this Article must set aside a space or area for smokers, ensuring that:

- a) The area for smokers must not exceed 25% of the total area of the public space;
- b) The area for smokers must be separated from the rest of the public space by public walls and an entry door where a plaque must be placed, with the wording "Smokers' Area," written in black lettering at least 2 cm long and 1.5 cm wide;
- c) Ventilation of the smokers' area must be directed to the outside of the building and not re-circulated to other areas;
- d) A message must be placed at the entrance to the smokers' area with the following wording "Tobacco is harmful to your health and the health of children, pregnant women, breast-feeding mothers and non-smokers";
- e) Signs and notices indicating the areas where it is permitted to smoke and where it is not permitted to smoke must be permanently displayed and signs indicating that it is not permitted to smoke must display the following warning: "Anyone who does not comply with this notice will be prosecuted and have to pay a fine, under the terms of the legislation applicable in this regard;"
- f) The operators of passenger boats registered in the country must set aside no more than 25% of the total accommodation as a smokers' area;
- g) The operators of trains operating within the country with more than 10 carriages may set aside no more than 25% of the total area of the train as a smokers' area. In cases in which the number of carriages does not exceed 10, only one carriage shall be designated as a smokers' area.

Article 6

Packaging labels for the tobacco product contents

The manufacturers and importers of tobacco products must always provide the government authorities, namely the Ministry of Health, Industry, Commerce and Finances, with information relating to the content and issue of tobacco products, duly supported with internationally recognised laboratory certificates in accordance with ISO (International Organisation for Standardisation) standards which shall contain information on the following substances: nicotine, carbon dioxide and tar.

Article 7

Misleading Advertising and Contents of packaging and packets for Tobacco products

1. All forms of advertising are prohibited which promote the sponsorship of a tobacco product by any means which are false, erroneous or deceptive, or which may be misleading with regard to its characteristics, and have a harmful effect on health, causing risks and emissions.
2. All the advertising for tobacco and its products, its promotion and sponsorship, must be accompanied by a message or warning indicating that smoking is harmful to people's health, or indicating the illnesses associated with its consumption.
3. It is not permitted to promote tobacco products using packaging which is in any way false, erroneous or deceptive, or which may be misleading with regard to its characteristics, or have a harmful effect on people's health, causing risks or emissions. This includes terms or expressions, descriptive elements, commercial or factory brands, figurative signs or other classes of promotion which have the direct or indirect effect of creating a false impression that a certain tobacco product is less harmful than others.
4. Each unit of packaging or packet containing tobacco products, and all outer packaging and labelling for such products, must contain advertising describing the harmful effects of tobacco consumption. Other appropriate messages may also be included;
5. Health warnings on packaging units and tobacco product packets must:
 - a) Be ample, clear, visible and legible;
 - b) Take up 30% or more of the front part of the packaging and 25% of the back part;
 - c) The maximum acceptable level of nicotine and tar for each product must be 1.5%g e 15%g respectively.
6. Each packaging unit and tobacco product packet, and each outer package and label for such products must contain, in addition to the warnings specified in number 2 of this Article, information on the components and relevant emissions of the tobacco products, as defined by the competent national authorities.
7. Warnings describing the harmful effects of tobacco consumption on each unit of packaging and tobacco product packet must be written in Portuguese and warnings on imported packets or packaging, in addition to being written in Portuguese, must never contain wording which is less illustrative or clear than that which is provided for by this Regulation.
8. It is prohibited to use food packaging which simulates or imitates cigarette packaging or images, as is the use of brand names belonging to smoking products which are derived or not from tobacco.

Article 8

Incentives

1. The direct or indirect use products which encourage the purchase of tobacco products by the population is prohibited.
2. It is prohibited for the Tobacco industry, and the competent government authorities, to disclose all the industry's expenses related to advertising, promotion and sponsorship.
3. With regard to public and social means of communication, all types of newspaper advertising and publicity using radio, television, print, etc., is prohibited.
4. The advertising of tobacco products on magazine covers or similar publications is prohibited.
5. The advertising of tobacco products on billboards, posters, walls, public transport stations or similar locations in the public domain is prohibited.

Article 9

Measures for reduction of demand related to dependence and abandonment of tobacco

1. To reduce the demand relating to dependence and abandonment of tobacco, the Ministry of Health must define appropriate, complete and integral strategies, founded on scientific proof and the best practices, taking into account national circumstances and priorities, and shall adopt effective measures to promote the abandonment of tobacco consumption, and suitable treatment for consumer dependence.
2. For the purposes of provision No. 1 of this Article, the Ministry of Health must:
 - a) Create and apply effective programmes for the abandonment of tobacco consumption in places such as teaching institutions, hospitals, workplaces and sports and cultural centres;
 - b) Include the diagnosis and treatment of tobacco dependence, and advisory services for the abandonment of tobacco in national health and education programmes, plans and strategies, with the participation, as appropriate, of healthcare professionals, community agents and social assistants;
 - c) Establish, at the health and rehabilitation centres, programmes for diagnosis, advice, treatment and prevention of tobacco dependence;
 - d) Facilitate accessibility and feasibility of treatments for tobacco dependence, including pharmaceutical products. These products and their components may include medicines, or products used to administer medicines, or for diagnosis, if appropriate.

CHAPTER III

REDUCTION IN THE SUPPLY OF TOBACCO

Article 10

Commerce of tobacco products

1. The sale via post, distribution of samples or free gifts, and marketing of tobacco products in teaching and healthcare establishments, is prohibited.
2. The sale of tobacco products and distribution of tobacco product samples or free gifts at public administrative bodies is prohibited.
3. Administrative measures shall be established by regulation, or effective measures, so that all the packaging or packets for tobacco products and all the outer packing for such products displays information which determines the origin of the tobacco products.
4. Each packaging unit for the tobacco products must, for sales purposes, display the declaration: "*Sale authorised*".
5. National legislation must be applied without prejudice to the bilateral or multilateral Agreements of Cooperation on the matter.

Article 11

Destination of seized products

Products seized on the grounds of classification as contraband, on account of forgery or contraband must be destroyed using methods which are harmless to the environment, in compliance with national legislation.

- a) The Government of Mozambique must adopt measures which tax, document and control the storage and distribution of tobacco products which are located or transported in accordance with the regime of exemption from domestic taxes or customs taxes;
- b) Products from the illicit trade of tobacco will be confiscated and the resulting funds will be returned to the Mozambique State in order to fund initiatives to reduce that illicit trade.

Article 12

Prohibition of the sale of Tobacco products to minors

1. It is prohibited to sell tobacco products to minors under 18 years of age, as determined by legislation.
2. In this regard, the vendors of tobacco products must:
 - a) Place, within their points of sale, a clear and prominent indicator on the prohibition of the sale of tobacco to minors under 18 years of age and, in case of doubt, demand that the buyer show proof that they have become major of age;
 - b) Not make the tobacco products which are on sale directly accessible, for example; placed on market or supermarket shelves;
 - c) Not sell sweets, food, toys or any other object using a tobacco product format which may be attractive to minors;
 - d) Ensure that vending machines for tobacco products under their control are not accessible to minors.
3. The free distribution of tobacco products to the public and, in particular, to minors, is prohibited.

CHAPTER IV

EDUCATION

Article 13

Education, communication, training and awareness of the public

The public must be aware of the control issues regarding tobacco, using, in an appropriate manner, all the communications tools available.

- a) The public must have access to effective and integral education and awareness programmes on the risks relating to health, consumption and exposure to tobacco smoke, including its additive properties.
- b) The public must be made aware of the risks relating to health or consumption and exposure to tobacco smoke, and the benefits which relate to the abandonment of that consumption and to a tobacco-free lifestyle;
- c) The public or private corporate media must play the role of a teacher to the public on the subject of combating smoking;
- d) Civil law organisations must include an educational component in their work programmes on the subject of tobacco control;
- e) The public must have access, in compliance with national legislation, to an ample variety of information on the tobacco industry which may be of interest to the objective of this Regulation.
- f) The sponsorship and support of, or collaboration with, the producers of tobacco in public health campaigns is prohibited;
- g) Healthcare workers, community agents, social care assistants, communication professionals and teachers must participate in, or benefit from, effective and appropriate training or awareness programmes which appropriately make them aware of the control of tobacco consumption;
- h) Public and private organisations which are not associated with the tobacco industry must be made aware with regard to participation in the preparation and application of programmes and cross-sector strategies for the control of tobacco;
- i) The public must be made aware and have access to information on the adverse healthcare, economic and environmental consequences of the production and consumption of tobacco;
- j) Healthcare and educational institutions must implement environmental programmes free of environmental tobacco exposure;

k) School programmes and books, at all teaching levels, must include specific education on the control of tobacco.

CHAPTER V SANCTIONS

Article 14

Sanctions

1. The fines provided for in this Regulation are punished with fines equivalent to 5 minimum monthly wages in the case of a first fine, a fine equivalent to 10 minimum monthly wages in the case of a second fine, a fine equivalent to 20 minimum monthly wages in the case of repeated offences, and suspension of the activity for 1 to 4 months, in the case of more than one repeated offence.
2. If the case of tobacco products sold to minors or by minors, the offenders will be punished with fines equivalent to 10 minimum monthly wages in the case of a first fine, a fine equivalent to 20 minimum monthly wages in the case of a repeated offence, and suspension of the activity for 1 to 3 months or even cancellation of registration in the case of more than one repeated offence.
3. In the case of illicit trade of tobacco products, the offenders will be punished with fines equivalent to 15 minimum monthly wages in the case of a first fine, a fine equivalent to 40 minimum monthly wages in the case of a repeated offence, and suspension or even cancellation of the activity in the case of a repetition of the offence, with the illicit product on sale immediately seized and destroyed in public.
4. In the case of tobacco product contraband, without prejudice to the application of the fines set out in the customs legislation in force, in addition to the final closure of the activity and seizure, the destruction of the product will take place in public.

CHAPTER VI FINAL AND TRANSITORY PROVISIONS

Article 15

(Responsibilities for Implementation)

The required standards for the implementation of this Decree shall be assured and adopted by the Ministry of Health, Industry and Commerce, Agriculture, Finances and the Interior.

Decree No. 12/2007 of 30 May

The operational experience of the National Administration of Roads, under the terms of Decree No. 23/2003 of 20 May and the reforms which operate at the level of this institution, suggests a revision of the Road Administration System as a consequence of the reforms which operate in the roads sector. Therefore, in order to adjust the Road Administration System to the levels of existence of development for the country's road network, calling for its alteration in accordance with the provisions of paragraph f) of No. 1 of Article 204 of the Constitution of the Republic, the Council of Ministers decrees:

Article 1

No. 2 of Article 8 of Decree No. 20/2003 of 20 May, which establishes the System for Road Administration, shall have the following composition:

Article 8

1

2. The National Administration of Roads undertakes:

a) In relation to the administration of road classifications:

- (i) To protect, construct and maintain classified roads;
- (ii) Select, under the terms of the law, companies providing services, supply of goods and execution of works;
- (iii) To enter into and manage contracts to make up work and concession of roads and their structures, observing legislation and legal processes;
- (iv) To enter into and manage contract for the provision of services, projects and monitoring, observing the legalisation and legal procedures in force;

b) In relation to the administration of non-classified roads:

- (i) To propose the rules to be observed by local authorities in the development and maintenance of urban roads;
- (ii) To propose rules to be observed by local State bodies with regard to the definition of rules to be observed in the rehabilitation and maintenance of their roads”;

Article 2

This Decree enters into force on the date of its publication.

Approved by the Council of Ministers, on 3 April 2007.

To be published.

The Prime Minister, *Lúsa Dias Diogo*.

Decree No. 13/2007 of 30 May

The operational experience of the National Administration of Roads, under the terms of Decree No. 23/2003 of 20 May, suggests the need to proceed with revision of the Road Administration System to adapt it to the new challenges facing the road sector, therefore increasingly adjusting its bodies to the levels of existence of development for the country's road network.

Under these terms, in accordance with the provisions of paragraph f) of No. 1 of Article 204 of the Constitution of the Republic, the Council of Ministers decrees:

Article 1

Regime

The National Administration of Roads, hereinafter abbreviated to NAR, established by Decree No. 15/99 of 27 April, is governed by the Organic Statute which is annexed to this Decree and which makes an integral part of it.

Article 2

Nature

The National Administration of Roads is a public institution provided with a legal personality and autonomous administration, protected by the Ministry of Public Works and Habitation.

Article 3

Objectives

The NAR undertakes the following objectives:

- a) To ensure the implementation of the Government's policies on the conservation and development of public roads;
- b) To ensure unified, efficient and effective treatment of the issues relating to the different types of streets in the country, in order to guarantee their harmonious and balanced development.
- c) To promote and ensure the increasing participation of users and different bodies interested in road management.

Article 4

Attributions

The following are attributions of the NAR:

- a) To plan and develop a network of public roads;