

REPUBLIC OF NIGER

Brotherhood – Labor – Progress

[EMBLEM]

MINISTRY OF PUBLIC HEALTH
MINISTRY OF COMMERCE AND
THE PROMOTION OF THE
PRIVATE SECTOR

Administrative Order No.,000260 MSP/MC/PSP

Of June 28, 2012 2012

concerning the opening and,
operation of points of
sale of tobacco in Niger

The Minister of Public Health

and

The Minister of Commerce and the Promotion of the Private Sector

- In light of** the Constitution of November 25, 2010;
- In light of** Ordinance 93-13 of March 2, 1993 establishing the Code of public Hygiene;
- In light of** Ordinance 2010-001 of February 22, 2010, concerning the organization of public authorities during the period of transition, as modified by Ordinance 2010-005 of March 30, 2010;
- In light of** Law 2005-006 of April 15, 2005 authorizing the ratification of the Framework Convention on Tobacco Control of the World Health Organization;
- In light of** Law 2006-12 of May 15, 2006 concerning tobacco control;
- In light of** Decree No. 2008-088/PRN/MSP of March 20, 2008 concerning the organization of National Offices of Public Health and determining the attributions of their managers;
- In light of** Decree No. 2008/223/PRN/MSP of July 17, 2008 setting the manner of implementation of Law 2006-12 of May 15, 2006 concerning tobacco control;
- In light of** Decree No. 2011-001/PRN of April 17, 2011 concerning the nomination of the Prime Minister;
- In light of** Decree No. 2011-015/PRN of April 21, 2011 concerning the nomination of the members of the government, modified by Decree 2011-129/PRN of June 16, 2011;
- In light of** Decree No. 2011-153/PRN/MC/PSP of June 28, 2011 determining the attributions of the Minister of Commerce and the Promotion of the Private Sector;
- In light of** Decree No. 2011-220/PRN/MSP of July 26, 2011 determining the attributions of the Minister of Public Health;
- In light of** Decree No. 2011-221/PRN/MSP of July 26, 2011, concerning the organization of the Ministry of Public Health;

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The Minister
MINISTRY OF PUBLIC HEALTH

In light of Administrative Order No.,0001/MC/PSP/DL of January 2, 2012 concerning the organization of the General Offices and National Offices of the Ministry of Commerce and the Promotion of the Private Sector and determining the attributions of their managers, hereby

ORDER:

Chapter One: General Provisions

Article 1: This administrative order issued in application of the provisions of Article 10 of Law No. 2006-12 of May 15, 2006 concerning tobacco control determines the conditions for the opening and operating of points of sale of tobacco in the territory of the Republic of Niger. Points of sale or tobacco shops encompass every enterprise geographically located [within the national territory] whose principal activity is the commerce, sale or distribution of tobacco products. The distance between two points of sale must be at least equal to one thousand (1000) meters.

Article 2: It is prohibited in all work places to open a point of sale or tobacco shop. Points of sale for tobacco or tobacco shops must be operated at least 500 meters from such institutions.

Chapter Two: Authorization of the opening of points of sale of tobacco

Article 3: Any natural or juridical person who wishes to open and operate a point of sale of tobacco is obliged to apply for a permit from the communal authorities of their place of residence.

This application must be accompanied by:

For corporate entities:

- a legalized copy of the birth certificate or a supplementary judgment of the applicant;
- a good conduct certificate covering at least three months;
- a certificate of residence;
- a legalized copy of the identity card or passport of the applicant;
- an exact indication of the location of the site or sites of sale.

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For natural persons:

- a copy of the certificate of registration with the Registry of Commerce and Real Estate Credit;
- a copy of the by-laws;
- an exact indication of the location of the site or sites of sale.
- An operating permit for foreigners.

Article 4: In light of the items noted in Article 3 above and following further investigation if necessary, the communal authority shall issue to the applicant an operating permit. Furthermore, the files must be examined by a committee composed of (1 representative of the Ministry of Public Health, 1 representative of the Ministry of Commerce, 1 representative of the NGO's and Associations involved in tobacco control, 2 representatives of the mayoralty of the place.

Article 5: The permit indicated in the foregoing article is personal, inalienable and non-assignable, and has a duration of three years.

It grants approval for the place or places to install a point of sale for tobacco products. It can be revoked by the municipal authorities in the event of non-compliance by the operator with the provisions bearing on the matter, particularly the communal plan for installation and operation of kiosks or other stalls.

In the event of a revocation, and if the operator complies with the aforementioned provisions, the permit can be reestablished as a matter of ordinary law.

Chapter Three: Procedures for operating points of sale of tobacco

Article 6: The operator shall operate his point of sale of tobacco in compliance with the communal prescriptions concerning the opening and operation of kiosks and other stalls. He must also meet the obligations incumbent upon him with respect to the municipal authorities. The opening hours for points of sale are fixed each day from 6:00 a.m. to 9:00 p.m. However, authorities may adapt schedules based on their localities.

Article 7: Operators are bound to comply with the signage requirements at points of sale or tobacco shops, which call for a commercial sign that must be affixed to the façade of each point of sale or tobacco shop. It can only contain the word "**TOBACCO.**"

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Article 8: operators are obliged to post on the inside of their points of sale or tobacco shops the list of products available for sale, their characteristics, as well as their sale price. The operator of a point of sale or tobacco shop must show through posters visible to persons frequenting this facility or store the prominent sign, "**The sale of tobacco products to minors is prohibited,**" on the inside of points of sale.

Chapter Three: Final Provisions

Article 9: All previous provisions at variance with this administrative order are hereby rescinded.

Article 10: The Secretary General of the Ministry of Public Health and the Secretary General of the Ministry of Commerce and the Promotion of the Private Sector are charged, each within the sphere of their own competency, with the application of this administrative order, which is to be published in the official bulletin of the Republic of Niger.

The Minister of Public Health

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The Minister
MINISTRY OF PUBLIC HEALTH
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SOUMANA SANDA

**The Minister of Commerce and the
Promotion of the Private Sector**

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The Minister
MINISTRY OF COMMERCE AND THE
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SALEY SAIDOU
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