

REPUBLIC OF NIGER
Fraternity - Labor - Progress

Joint Administrative Order N° MSP/MC/PSP

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

02 DEC 2013

of 2013
concerning the opening and
operation of points of sale for
tobacco products 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 instituting a Code of Public Hygiene ;
In light of Law no. 2005-006 of April 15, 2005, authorizing the ratification of the Framework Convention for Tobacco Control of the World Health Organization;
In light of Law no. 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 the Ministry 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 terms for the implementation of Law n°2006-12 of May 15, 2006, concerning tobacco control;
In light of Decree no 2011-001/PRN of April 7, 2011, concerning the nomination of the Prime Minister ;
In light of Decree no. 2013-327/PRN of August 13, 2013 concerning the nomination of the members of the government and subsequent amendments ;
In light of Decree 2013-424/PRN of October 8, 2013, concerning the organization of the Government and setting the attributions of Ministers of State, Ministers and Deputy Ministers ;
In light of Decree 2013-427/PM of October 9, 2013, specifying the attributions of members of the Government ;
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 -154/PRN/MC/PSP of June 28, 2011, concerning organization of the Ministry 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, concerning the organization of the Ministry of Public Health ;
In light of Administrative Order n°0001/MC/PSP/DL of January 2, 2012 concerning organization of General Offices and National Offices of the Ministry of Commerce and Promotion of the Private Sector and determining the attributions of their managers.

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ORDER:

Chapter 1 : General provisions

Article One : The present Administrative Order intended to implement the provisions of Article 10 of Law no. 2006-12 of May 15, 2006, concerning tobacco control, determines the conditions for the opening and operation of points of sale for tobacco in the territory of the Republic of Niger.

A point of sale or tobacco shop is any geographically situated commercial establishment whose main activity involves the commerce, sale or distribution of tobacco products.

The distance between two points of sale must be equal to at least five hundred meters (500 m).

Article 2 : It is prohibited to open a point of sale for tobacco or tobacco shop in any work place or public place or location accommodating the public.

Points of sale for tobacco or tobacco shops must be operated at least 500 m from such institutions.

Chapter II : Opening of points of sale for tobacco

Article 3 : Any natural or juridical person seeking to open and operate a point of sale for tobacco is required to file a declaration of existence with the communal authority of the place for the implementation of points of sale. This declaration must be accompanied by the following things:

For natural persons:

- a legalized copy of the identity card or passport of the applicant;
- a certificate of residence ;
- exact indication of the location or sites of sale.

For juridical 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 or sites of sale;
- an operating permit for foreigners .

Any sale of tobacco products outside duly authorized points of sale is prohibited.

Article 4: Upon verification of the items set forth in Article 3, and following further investigation if necessary, the communal authority shall issue an operating permit to the applicant. First, the files must be examined by a committee composed of (1 representative of the Ministry of Public Health, 1

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representative of tobacco control NGO's and associations, and 2 representatives of the municipal government).

Article 5: The authorization indicated in the foregoing Article is personal, inalienable and non-transferable.

It approves the place or places for setting up the point of sale for tobacco products. It can be revoked by the municipal authority in the event of non-compliance on the part of the operator with the relevant provisions, particularly the communal plan for the installation and operation of kiosques or other stalls.

In the event of revocation, if the operator complies with the provisions in question, the permit shall be re-established as a matter of ordinary law.

CHAPTER III : Terms for the operation of points of sale of tobacco

Article 6: The operator shall set up its point of sale in compliance with the relevant communal regulations concerning the opening and operation of kiosques and other stalls. It must also fulfill obligations incumbent upon it with respect to the municipal authorities. The opening hours for points of sale are set every day from 6:00 a.m. to 9:00 p.m. However, the authorities may adjust schedules based on individual localities.

Article 7: Points of sale must have signs reminding people of the danger associated with tobacco consumption.

The health warning, "Tobacco is seriously harmful to your health," must be posted on the façade of each point of sale or tobacco shop.

Article 8 : The operator of a point of sale or a tobacco shop must indicate on posters visible to the people who frequent this place or shop prominent notices that say: "**Sale of tobacco to minors prohibited**" on the inside of the points of sale.

Chapter IV : Final provisions

Article 9 : Any previous provisions at variance with the present Administrative Order are hereby rescinded.

Article 10 : The Secretary General of the Ministry of Health and the Secretary General of the Ministry of Commerce and Promotion of the Private Sector, as well as the Mayors, insofar as it falls within the purview of each one, are charged to implement the present Administrative Order, which is to be published in the Official Journal of the Republic of Niger.

The Minister of Public Health

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

MANO AGHALI

ALMA OUMAROU

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