

**REPUBLIC OF NIGER**  
**MSP/DGSP/DHP/ES**  
Fraternity - Labor - Progress

**Joint Administrative Order N° .....**

**MINISTRY OF PUBLIC HEALTH**  
**GENERAL OFFICE OF PUBLIC HEALTH**  
**OFFICE OF PUBLIC HYGIENE AND**  
**HEALTH EDUCATION**

**02 DEC 2013**

of... .. 2013  
regulating the composition,  
packaging and labeling of  
tobacco products in Niger

**VISA : MC/PSP**

**THE MINISTER OF PUBLIC HEALTH**

**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 no2005-006 of April 15, 2005, authorizing the ratification of the Framework Convention for Tobacco Control of the World Health Organization;  
**In light of** Law no2006-12 of May 15, 2006, concerning tobacco control;  
**In light of** Decree n° 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** the Guidelines for the implementation of Article 11 (packaging and labeling of tobacco products) of the Framework Convention for Tobacco Control of the WHO);  
**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 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 the 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 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 Promotion of the Private Sector, and determining the attributions of their managers.

[STAMP:] **REPUBLIC OF NIGER – THE MINISTER**  
**– MINISTRY OF PUBLIC HEALTH**

**ORDER:**

**Chapter 1 : General provisions**

**Article One** : The present Administrative Order issued on the basis of Articles 4 and 5 of Law No 2006-12 of May 15, 2006, concerning tobacco control in Niger, and the Guidelines for the implementation of Article 11 (packaging and labeling of tobacco products) of the Framework Convention for Tobacco Control of the WHO), regulates the composition, packaging and labeling of tobacco products in Niger.

**Chapter II : Provisions concerning labeling and packaging of tobacco products**

**Article 2** : The required marking of cartons and packages of tobacco or any other packaging is intended to warn consumers of tobacco products about the serious risks to which they expose themselves and those around them in terms of health and efforts to curb fraud and its consequences for the economy.

**Article 3** : All packs, cartons or any other packaging of tobacco products intended for sale in Niger must display the following elements in French in a clear, prominent and legible fashion:

- The statement "For sale in Niger" ;
- The lot number;
- The name and address of the manufacturer and the country of manufacture;
- The date of manufacture;
- The destination, point of origin, recipient and planned itinerary.

**Article 4** : The elements indicated in Article 3 above are to be printed in bold characters and without abbreviations, and they must be placed on the lateral sides of each carton and pack or any other packaging except for transparent outer wrappings.

**Article 5** : The size of the elements indicated by Article 3 is 1.6 x 2.7 cm for packs of 20 cigarettes. These elements must appear on cases and cartons and any other packaging of tobacco products intended to be sold in Niger.

**Article 6** : All packs and cartons of cigarettes or cigars intended to be sold in Niger must without exception display on their two main surfaces the following health warnings:

- Smoking causes fatal lung cancer;
- Smoking causes cancer of the mouth;
- Smoking causes complications during pregnancy;
- Smoking tobacco is harmful to the health of the child;
- The use of tobacco causes sexual impotence;
- Tobacco smoke is harmful to the health of those around you;
- Smokers die prematurely;
- Smoking causes breast cancer.

[STAMP:] REPUBLIC OF NIGER – THE MINISTER  
– MINISTRY OF PUBLIC HEALTH

The health warnings are to be illustrated by the following pictograms:

- image of lung cancer;
- image of cancer of the mouth;
- image of complications during pregnancy;
- image of a child suffering from a respiratory ailment;
- image illustrating sexual impotence ;
- image illustrating second-hand smoke;
- image of a corpse in a shroud;
- image of breast cancer.

These messages and pictograms are to be used in series of two (2) and renewed every two (2) years at the instigation of the Minister of Public Health.

The health warnings are to be written in French, and must not in any way be hidden, obscured, covered over or separated by other indications, images or logos, or by the opening of the pack.

In addition to these messages, the Ministry of Public Health may at any time propose other warnings based on how the situation develops.

A technical sheet that will provide specifications concerning the size of images, their characteristics and positioning is to be attached to the present Administrative Order.

### **Chapter III : Obligations of manufacturers, importers, exporters and sellers of products**

**Article 7** : Manufacturers or importers are required to submit to the Ministry of Public Health a prospectus in accordance with the provisions of Article 3 above.

**Article 8**: The health warnings and messages noted in Article 6 must cover at least 50% of the two main surfaces of cartons and packs of tobacco intended to be sold in Niger.

The text of the health warnings and messages must be printed in bold characters, of a typeface of size 15 with one or several specific colors ensuring optimal visibility and legibility.

**Article 9** : Manufacturers, importers and distributors of tobacco, tobacco products or tobacco derivatives are required to do the following:

- To provide all necessary information concerning their identification and registration to the Ministry of Public Health ;
- To register all brands of products manufactured, imported or distributed in Niger;
- To apply for and obtain permits for manufacture, importation and exportation of tobacco, tobacco, tobacco products or tobacco derivatives from the Ministry of Commerce and Promotion of the Private Sector.

**Article 10** : As of the signature of the present Administrative Order, manufacturers, importers, exporters, distributors and operators of points of sale for cigarettes and cigars shall have one (1) year to enter into compliance with the provisions.

Once this period has elapsed, no importation or distribution of tobacco that is not in compliance will be allowed.

**Article 11**: Merchants have a period of **three (3) months** as of the date of expiration of the deadline indicated in Article 10 to use up imported stocks.

**Article 12** : Failure to comply with the provisions of the present Administrative Order shall be subject to sanctions pursuant to the legislative texts in force.

#### **Chapter IV : Miscellaneous and final provisions**

**Article 13** : Agents of the health police, the armed forces and security forces, as well as government inspectors for the oversight and enforcement of standards, are charged with ensuring adherence to these measures pursuant to Article 13 of Decree no. 2008-223/PRN/MSP of July 17, 2008.

**Article 14**: Any previous provisions at variance with the present Administrative Order are hereby rescinded.

**Article 15** : The Secretary General of the Ministry of Health and the Secretary General of the Ministry of Commerce, 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**

**MANO AGHALI**

[illegible signature]

[STAMP:] REPUBLIC OF NIGER – THE MINISTER  
– MINISTRY OF PUBLIC HEALTH

#### **Distribution:**

- CAB/PRN	1
- National Assembly	1
- CAB/PM	1
- CAB/MSP	1
- CAB/MC/PSP	1
-All Ministries	36
- SG/MSP	1
- SG/MC/PSP	1
- IGS	1
- TDN/MSP	15
- TDG/MSP	3
- DRSP	8