

MAY 04, 2021\*018228

REPUBLIC OF SENEGAL  
*One People – One Goal – One Faith*

No. MFB-MDIPMI-MCPME

Dakar, on

**Inter-Ministerial Order Establishing a Tracking and Tracing System  
for Tobacco Products**

**THE MINISTER OF FINANCES AND BUDGET,  
THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SMALL AND MEDIUM  
INDUSTRIES,  
THE MINISTER OF COMMERCE AND SMALL AND MEDIUM BUSINESSES**

IN CONSIDERATION OF the Constitution;

IN CONSIDERATION OF the World Health Organization Framework Convention on Tobacco Control of May 21, 2003, ratified by Senegal on January 27, 2005;

IN CONSIDERATION OF the Protocol to Eliminate Illicit Trade in Tobacco Products of November 12, 2012, ratified by Senegal on August 31, 2016;

IN CONSIDERATION OF Act No. 2014-12 of March 14, 2014 on tobacco manufacturing, packaging, labeling, sale and use;

IN CONSIDERATION OF Decree No. 2020-2098 of November 1, 2020 appointing the Government ministers and secretaries and determining the Composition of the Government;

IN CONSIDERATION OF Decree No. 2020-2100 of November 1, 2020 allocating the Government services and the oversight of public institutions, national companies and partially state-owned companies between the Office of the President of the Republic, the Secretary General of the Government and the ministers;

IN CONSIDERATION OF Decree No. 2020-2193 of November 11, 2020 on the duties of the Minister of Finances and Budget;

IN CONSIDERATION OF Decree No. 2020-2211 of November 11, 2020 on the duties of the Minister of Industrial Development and Small and Medium Industries;

IN CONSIDERATION OF Decree No. 2020-2217 of November 11, 2020 on the duties of the Minister of Commerce and Small and Medium Businesses.

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## HEREBY ORDER

### CHAPTER I: SCOPE

#### Article 1

A system for tracking and tracing manufactured or imported tobacco products is hereby established in the Republic of Senegal.

#### Article 2

In this Order, these terms will have the following meanings:

**“Tracking and tracing”**: Systematic monitoring and re-creation by competent authorities or any other person acting on their behalf of the route or movement taken by items through the supply chain.

**“Tobacco”**: The leaves and any other transformed or untransformed natural part of the tobacco plant, presented in various forms for consumption.

**“Tobacco products”**: Products entirely or partly made of leaf tobacco as raw material, which are manufactured to be used for smoking, sucking, chewing, snuffing or consumed in any manner whatsoever, including heated tobacco products.

**“Pack”**: The smallest individual packaging of a tobacco product for retail sale to consumers.

**“Package”**: The packaging that contains the packs.

**“Carton”**: The packaging that contains the packages.

**“Unit packet”**: Pack, package, carton or any other form of packaging for tobacco products.

**“Outside packaging”**: Any packaging in which tobacco products are sold, comprising one unit packet or a set of unit packets; clear overwrapping is not considered outside packaging.

**“Illicit trade”**: Any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate such activity.

**“Supply chain”**: Covers the manufacture, import, transport, distribution, warehousing and wholesale of tobacco products.

**“Unique identification marking”**: The random alphanumeric code that is visibly printed, non-removable, and readable by machines and the naked eye on units of outside packaging of product, that offers a unique and secure identification of the product. It provides access to information on the product and the movement of tobacco products through the supply chain.

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## **CHAPTER II: SECURE MARKINGS**

### **Article 3**

Packs, packages, cartons and other packaging for tobacco products, not including clear overwrapping, must bear a unique identification marking entirely generated on the production line under the oversight of the Administration, then printed as a unique random secure code in a way that is visible, non-removable and permanent.

The unique marking of the pack authentication must be visibly printed as a machine-readable alphanumeric code that is as short as possible, not exceeding twenty-six (26) characters, and a code that is visible and human-readable not exceeding 14 alphanumeric characters.

### **Article 4**

The visibly printed unique identifiers must not be stored by the manufacturer, except for the required limited duration in order to establish aggregations between the tobacco product packaging items.

Codes will be generated using encrypted algorithms.

Only the encrypted items to verify the codes will be collected in real time in the central system implemented by the Administration by means of a secure connection.

Only the items to establish connections between the different packaging levels addressed by this order will be collected in real time in the Administration's central system by means of a secure connection.

### **Article 5**

The machine-readable code affixed by the manufacturer on the items making up the packaging must comply with current code standards and norms (such as AIM, ANCI, GS1 or ISO).

### **Article 6**

The unique identification marking will in no case be interrupted or concealed in any form whatsoever. It will contain, either directly or by means of a link, the following information:

- Date and location of manufacture.
- Manufacturing facility.
- Product description.

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**Article 7**

If they do not already have compatible marking equipment, tobacco product manufacturers are required to select, install, operate and maintain in good condition standard printing equipment for the marking of codes generated securely in real time on the production lines of their manufacturing facilities.

Tobacco product importers are required to have their suppliers print the unique identification markings on the products before they enter the national territory.

**Article 8**

Any form of packaging for tobacco or tobacco products must clearly and legibly indicate "Vente au Sénégal" ("For sale in Senegal").

**CHAPTER III: RECORD-KEEPING AND ACCESSIBILITY OF INFORMATION**

**Article 9**

For purposes of tracking and tracing and oversight, the information indicated in Article 4 and the information below will be duly recorded in manufacturers' automatic data processing systems. Manufacturers will make the following information available to authorities and law enforcement agencies, by means of a link or dedicated platform from the Administration:

- The machine used to manufacture the tobacco products.
- The production shift or time of manufacture.
- The name of the importer or, if applicable, the first buyer not affiliated with the manufacturer or importer, the invoice number, the order number and the payment records for the sale to the first independent customer.
- The place of product warehousing or shipping, if applicable.
- The intended market of retail sale.

**Article 10**

All the information recorded in manufacturers' and importers' automatic data processing systems will be sent to a database in a central system established by the Administration located at a point designated by joint order of the Minister of Commerce, Minister of Finances and Minister of Industry.

Tobacco product manufacturers and importers must transmit and make available the required information to the competent authorities in an electronic format compatible with the dedicated portal.

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**Article 11**

The information in the central database will be used for the tracking and tracing of tobacco products, and may also be used for the oversight of manufacturing and import volumes by the law enforcement services of the Minister of Commerce, Minister of Finances and Minister of Industry.

The information indicated in Article 7 will be accessible to Member States that are Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, by means of a link provided by the authority in charge of administering the central database as part of the global tracking and tracing regime.

**Article 12**

Manufacturers and importers will keep records and/or electronic files of all transactions, which must be stored for five (05) years.

**Article 13**

The tobacco products imported for consumption in the Republic of Senegal must be routed to the competent services for customs formalities.

**Article 14**

Tobacco product cartons, packages and packs imported for consumption in the Republic of Senegal must comply with the current requirements on marking and labeling.

**Article 15**

For the purposes of implementing the provisions in this Order, an Implementation and Monitoring Committee will be established, the composition, organization and missions of which will be determined by order of the Minister of Finances.

**Article 16**

The tracking and tracing system will be entirely funded by tobacco product importers and manufacturers.

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## **CHAPTER IV: TRANSITIONAL AND FINAL PROVISIONS**

### **Article 17**

Manufacturers or importers subject to secure marking that operate in Senegal will have a maximum of (24) months from the first day of the month following the month of the filing date for the conclusions of the Implementation Committee specified in Article 13 to comply with the provisions in this Order.

The filing date specified in the preceding paragraph will be certified by regulation made by the Minister of Finances and published in the Official Gazette.

### **Article 18**

From the date of its entry into force, the manufacture, import, transport, sale and holding for sale of tobacco products without secure markings or containing secure markings that do not comply with the provisions in this Order are prohibited.

### **Article 19**

From the date of its implementation, violations of the provisions of this Order will be identified, prosecuted and punished pursuant to current regulations.

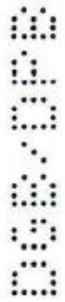
### **Article 20**

The Minister of Finances and Budget, the Minister of Industrial Development and Small and Medium Industries, and the Minister of Commerce and Small and Medium Businesses will each be responsible, in the matters that concern them, for enforcing this Inter-Ministerial Order, which will be recorded and published in the Official Gazette of the Republic of Senegal.

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**Minister of Finances and Budget**

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**Minister of Industrial  
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