

MINISTRY OF HEALTH

CABINET

GENERAL SECRETARIAT

REPUBLIC OF TOGO

Labor – Freedom – Country

ADMINISTRATIVE ORDER No. 107 / MS/CAB/SG

Setting the terms for the implementation of Article 28 of Law No. 2010-017 of December 31, 2010, concerning conflicts of interest between the objectives of public health and the commercial interests of tobacco companies

THE MINISTER OF HEALTH,

In light of Law n° 99-011 of December 28, 1999, concerning the organization of competition in Togo;

In light of Law n° 2009-007 of May 15, 2009, concerning the public health code of the Republic of Togo;

In light of Law n° 2010-017 of December 31, 2010, concerning the production, commercialization, and consumption of cigarettes and other tobacco products;

In light of Decree n° 2012-046/PR of July 11, 2012, concerning the prohibition of smoking in public places;

In light of Decree n° 2012-047/PR of July 11, 2012, concerning the terms for the implementation of rules concerning packaging and labeling of tobacco products and derivatives;

In light of Decree n° 2012-050/PR of July 11, 2012, concerning the composition, attributions and functioning of the National Committee for Tobacco Control (CNLT – *Comité National de Lutte contre le Tabac*);

In light of Decree n° 2012-071/PR of September 12, 2012, concerning the regulation of points of sale for tobacco and its derivative products;

In light of Decree n° 2012-072/PR of September 12, 2012, concerning the prohibition of advertising, promotion and sponsorship of tobacco and its derivative products in Togo;

In light of Decree n° 2013-058/PR of September 6, 2013, concerning the nomination of the Prime Minister;

In light of Decree n° 2013-060/PR of September 17, 2013, concerning the composition of the government, along with the texts that have amended it;

Considering the needs of service;

ORDERS:

Article 1: Purpose

The purpose of this Administrative Order is to define the terms for the implementation of Law No. 2010-017 of December 31, 2010, concerning the production, commercialization and consumption of cigarettes and other tobacco products, with a view to ensuring that efforts to protect tobacco control from the commercial and other interests of the tobacco industry are both comprehensive and effective, and are not nullified by interference of any kind

Article 2: Scope

This Administrative Order applies to the drafting and implementation of policies, strategies and programs of public health in connection with tobacco control, as well as individuals, agencies and institutions that contribute or could contribute to the conception, implementation, administration or execution of such measures.

It also applies to officials in positions of command, to representatives and employees of any national, regional, local or other institution or body of a public, semi-public or quasi-public nature located in the national territory, and to any natural or juridical person acting on their behalf.

Article 3: Measures for combating conflicts of interest and interference

There is unquestionably a fundamental and irreconcilable conflict between the interests of the tobacco industry and those of public health. Accordingly, as much as possible, the State must protect the process for the conception and implementation of public health policies relating to tobacco control against interference by the tobacco industry.

Public officials involved in any relationship with the tobacco industry or its representatives must conduct themselves with total transparency, and assume responsibility for their acts involving protection of the public from the harmful effects of tobacco use.

In particular, in the event of any interaction with the tobacco industry on matters relating to tobacco control or public health they should keep a record thereof, and ensure the transparency of such interactions.

The State must require that the tobacco industry and those who undertake to promote its interests work and act in a responsible and transparent fashion.

The tobacco industry is required to provide to the competent technical agencies information necessary for the effective implementation of these provisions.

Any preferential treatment for the tobacco industry is at variance with the objectives of tobacco control. Accordingly, the State undertakes not to pursue measures providing incentives to the tobacco industry in setting up or executing its activities.

Article 4: Total prohibition of interference by the tobacco industry

In view of attempts by the tobacco industry to influence the conception and implementation of public health policies, the State must adopt measures in order to:

- Limit interactions with the tobacco industry and ensure transparency in any contact that does take place;
- Reject partnerships as well as agreements that are non-binding or without executory force
- Avoid conflicts of interests for officials in positions of authority or agents of the State;
- Require transparency and accuracy of information provided by the tobacco industry.
- Regulate activities described as “corporate social responsibility” by the tobacco industry;
- Treat the public tobacco company the same as any other tobacco company;
- Conduct campaigns to raise awareness and inform the public about the harmful effects of tobacco products, the addiction they cause for consumers, and also about the influence of the tobacco industry on tobacco control policies.

Article 5: Special provisions applicable to members of the National Committee for Tobacco Control (CNLT – *Comité National de Lutte contre le Tabac*).

No member of the CNLT may have any tie or direct or indirect interest with the tobacco industry, or with any person or entity that manufactures, imports, supplies or distributes tobacco and its derivative products.

Before assuming their duties, every member of the CNLT must sign a declaration of no conflict of interest with the tobacco industry or anyone who defends its interests.

Article 6: Financial provisions

The State may not grant any subsidy or accord any measure of incentive in favor of the growing or processing of tobacco.

Tobacco and its derivative products may not benefit from any tax or customs exemptions.

Article 7: PENAL PROVISIONS

Failure to comply with the provisions of this Administrative Order is punishable by the penalties set forth in Articles 28, 29 and 31 of Law No. 2020-017 of December 31, 2010, concerning the production, commercialization and consumption of cigarettes and other tobacco products.

Article 8: Final provisions

The executive, legislative and judiciary bodies charged with drafting or implementing legislation, regulations or policies of tobacco control, and with protecting the public from the harmful effects of tobacco and its derivative products, shall see to the faithful implementation of the present provisions in the exercise of their duties.

The Secretary General of the Ministry of Health is charged with the execution of this Administrative Order, which is to be published in the *Journal Officiel de la République Togolaise* (Official Journal of the Republic of Togo).

Lomé, on SEPT. 1, 2014

The Minister of Health

SIGNED

Kwesi Séléagodji AHOOMEY-ZUNU

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