

**REPUBLIC OF TOGO  
NATIONAL ASSEMBLY**

**LAW CONCERNING THE PRODUCTION, SALE AND  
CONSUMPTION OF TOBACCO AND ITS DERIVATIVE  
PRODUCTS**

**CHAPTER 1 - GENERAL PROVISIONS**

**Article 1 : *Purpose and scope of application***

The purpose of this law is to define the measures appropriate for seeking to protect present and future generations from the devastating health, social, environmental and economic effects of the consumption of tobacco and its derivative products as well as exposure to tobacco smoke.

The provisions of this law apply to the production, importation, distribution, sale, advertising, promotion and consumption of tobacco and its derivative products.

**Article 2 : *Definitions***

For the purposes of this law, the following definitions shall apply:

- **tobacco** : the leaves of the tobacco plant, *Nicotina tobaccum*;
- **cigarette** : small tube of tobacco cut up and wrapped in thin paper;
- **other tobacco derivative products** : all products containing tobacco, notably, cigars, cigarillos, pipe tobacco, tobacco rolling papers and rollers or tubes for prefabricated tobacco;
- **child** : anyone under 18 years of age;
- **distributor** : any individual or company habitually or occasionally engaged in the wholesale or retail sale of tobacco and its derivative products;
- **promotion and advertising of tobacco** : any form of communication, recommendation or commercial action having as its purpose, effect or apparent

effect the direct or indirect encouragement of the use of tobacco or a derivative product of tobacco;

- **sponsorship**: any public or private contribution made to a third party in relation to an event, a team or activity the purpose of which is to promote a brand of cigarettes;
- **public place**: any place accessible to the public and any place for group use regardless of whether it is privately or publicly owned or its terms of access;
- **illicit trade**: any practice or conduct forbidden by the law involving the production, shipment, receipt, possession, display, distribution, sale, or purchase of tobacco or its derivative products, including any practice or conduct intended to facilitate such activity;
- **emission** : any substance or combination of substances emitted by a tobacco product;
- **tobacco industry**: any company engaged in the manufacture and wholesale distribution of tobacco products and any importer of such products;
- **tobacco products** : products composed entirely or partially of tobacco leaf as its component and manufactured to be smoked, sucked, chewed, or used in any other manner of consumption;
- **derivative products**: this is understood to refer to products that contain nicotine but not tobacco leaf, such as the electronic cigarette;

## **CHAPTER II- RULES CONCERNING COMPOSITION, PACKAGING AND LABELING**

### ***Section 1 : Rules concerning composition***

**Article 3** : Any manufacturer or importer of tobacco products has an obligation to notify the competent authorities of the government of Togo of information concerning

the composition and emissions of tobacco products in accordance with the test methods approved by the World Health Organization (WHO)

This information is available and accessible to everyone

***Section 2: Rules concerning packaging and labeling***

**Article 4:** Cigarettes must be sold to consumers in packages containing twenty (20) cigarettes.

The content of a box of finely cut cigarettes may not be less than ten (10) grams.

**Article 5 :** Tobacco and its derivative products that are intended for sale within the customs territory of Togo must, following settlement of duties and fees, be contained in packages, boxes, or packs displaying either on the packaging itself or on the label the statement “**Sale authorized only in Togo.**”

This statement is printed below the commercial brand, in indelible and prominently displayed characters, with a height that cannot be less than five (5) millimeters.

**Article 6 :** The packaging units for tobacco and its derivative products that are made available for public consumption, notably packs and cartons, must display a health warning on their principal surfaces.

This statement is to be printed in indelible and plainly legible characters on the upper part of the two principal surfaces of the pack and the carton.

Health messages must cover a surface area that may not be less than 50% of each one of the principal surfaces on the front and back of each pack and each carton.

In addition to the health warning “tobacco is seriously harmful to your health,” a decree of the Council of Ministers determines the list of health warnings, their policies, dimensions and colors.

**Article 7 :** Any party that manufactures, imports, supplies or distributes tobacco and its derivative products must ensure that the presentation and labeling of the packages, cases, or packs made available for public consumption do not use terms such as “low in tar,” “light,” “ultralight,”

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“mild, “ or any other term of a character that would encourage the consumption of tobacco and its derivative products, in any language.

### **CHAPTER III - MEASURES CONCERNING ADVERTISING, PROMOTION AND SPONSORSHIP**

**Article 8** : It is forbidden to any manufacturer, importer, supplier, distributor or vendor of tobacco and its derivative products to undertake advertising or promotion of its products by any means.

**Article 9** : Any operation of sponsorship by a tobacco industry or any other entity that seeks to promote its direct or indirect interests is forbidden.

**Article 10** : No reward or article can be offered to encourage the sale and consumption of tobacco and its derivative products.

### **CHAPTER IV- PROVISIONS CONCERNING THE CONSUMPTION AND SALE OF TOBACCO AND ITS DERIVATIVE PRODUCTS**

#### ***Section 1 : Prohibition of smoking in public places***

**Article 11** : It is forbidden to smoke in places and vehicles of shared use, such as:

- school and university institutions and learning centers;
- health institutions;
- places for spectacles, movies, theater, concerts;
- sports arenas and facilities;
- libraries;
- elevators;
- offices open to the public;
- government buildings
- public transport vehicles;
- **or** any other place frequented by the public

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The prohibitions on consuming any form of tobacco are to be prominently displayed on signs.

**Article 12** : In the following public places, places or spaces must be provided for smokers:

- maritime transport vehicles;
- public bus stations, ferry terminals, ship terminals, railroad stations, air terminals;
- hotels, restaurants and bars.

The areas provided for smokers are to be prominently indicated by signs.

### ***Section 2 : Specific provisions on the protection of children***

**Article 13** : It is forbidden to sell or give away for free tobacco or its derivative products to any child.

**Article 14** : It is forbidden for any child to sell or distribute tobacco or its derivative products.

**Article 15** : Any party selling tobacco or its derivative products must post directly at the point of sale or in the immediate vicinity, in a prominent and plainly visible fashion a statement indicating that the sale of tobacco or its derivative products to children is prohibited.

## **CHAPTER V- FINANCIAL AND TAX PROVISIONS**

**Article 16** : The State may not grant any subsidies or offer any incentives in favor of the growth or processing of tobacco.

**Article 17** : Tobacco and its derivative products may not benefit from tax exemptions.

**Article 18** : The rate of taxation for tobacco and its derivative products must be set in accordance with the general tax code and the community legislation in force.

## **CHAPTER VI- PENAL PROVISIONS**

**Article 19** : Violations of the provisions of this law may not be the object of any transaction.

**Article 20** : Organizations or associations that have been regularly established for at least one year prior to the date of the facts, and whose statutory purpose concerns the campaign against tobacco use may exercise the rights recognized for civil parties to file suit for violations of this law.

**Article 21** : Non-compliance with the provisions of this law does not in any way impair the right of persons who are victims of damages caused by tobacco and its derivative products or by exposure to the smoke of such products, to pursue redress through civil liability for offenses proven against manufacturers and distributors of such products.

**Article 22** : Non-compliance with the provisions of Article 3 of this law is punishable by imprisonment of three (03) months to one (01) year and a fine of two million (2,000,000) to fifteen million (15,000,000) FCFA, or only one of these penalties.

This punishment may be combined with the confiscation and destruction of products that are not in compliance with the provisions of Article 3, the revocation of the installation permit or other equivalent sanction, the publication of the offenses and imprisonment, in cases of intentional or deliberate offenses.

**Article 23** : Non-compliance with the provisions set forth in Articles 4, 5, 6 and 7 of this law is punishable by imprisonment of one (01) month to one (01) year and a fine of five hundred thousand (500,000) to ten million (10,000,000) FCFA, or only one of these penalties.

Courts with territorial jurisdiction may also order the temporary shutting down of the establishment, the revocation of the installation permit, the seizure and destruction of the products for which information concerning their composition has not been provided, or whose packaging and labeling are not in compliance with this law and the decrees for its implementation.

**Article 24** : Non-compliance with the provisions of Articles 8, 9 and 10 of this law is punishable by imprisonment of one (01) month to two (02) years and a fine of five million (5,000,000) to fifteen million (15,000,000) FCFA, or only one of these penalties.

Courts with territorial jurisdiction may also order the confiscation and destruction of all advertising, promotional or sponsorship items and materials

and the publication of the judgment in a national daily paper at the expense of the offender.

**Article 25** : Non-compliance with the provisions of Article 13 is punishable by a fine of one hundred thousand (100,000) to one million (1,000,000) FCFA.

**Article 26** : Non-compliance with the provisions of Article 11 of this law is punishable by a fine of one hundred thousand (100 000) to five hundred thousand (500 000) FCFA in cases of an offense committed by an individual;

Non-compliance with the provisions of Article 12 is punishable by a fine of one million (1,000,000) to five million (5,000,000) FCFA in cases of an offense committed by an institution.

**Article 27** : Any party that offers or authorizes the sale of tobacco or its derivative products to a child is to be punished by a fine of hundred thousand (100,000) to one million (1,000,000) FCFA.

**Article 28** : Any employee or representative of the State who violates the provisions of this law by becoming the accomplice of a manufacturer, importer or distributor of tobacco or its derivative products, by participating, authorizing or accepting illicit trade of such products is punishable by imprisonment of three (03) months to two (02) years and a fine of one million (1,000,000) to ten million (10,000,000) FCFA, or only one of these penalties.

**Article 29** : Perpetrators and accomplices of any smuggling or any counterfeiting of tobacco and its derivative products are liable to imprisonment of three (03) months to two (02) years and a fine of twenty million (20,000,000) FCFA to one hundred million (100,000,000) FCFA, or only one of these penalties. This punishment may be combined with the confiscation and destruction of the tobacco and its derivative products that are the object of such smuggling or counterfeiting, the revocation of the operating permit and the publication of the sentence imposed by the court.

**Article 30** : Any violation of the provisions of this law not specified in this chapter is punishable in accordance with the laws in force.

**Article 31** : In cases of repeat offenses, all these punishments may be doubled.

## **CHAPTER VII- NATIONAL COMMITTEE FOR THE CAMPAIGN AGAINST TOBACCO**

**Article 32** : A National Committee for the Campaign against Tobacco is hereby created and placed under the supervision of the Ministry of Health.

Its mission is to undertake the following objectives:

- to put the national policy into practice in matters concerning the campaign against tobacco;
- to strengthen activities to promote information, education and communication to change behavior with respect to the harmful effects associated with the consumption of tobacco and on the advantages of quitting tobacco;
- to develop and put into practice programs of training and applied research and medical-social care;
- to provide support and protection for agents and institutions involved in the campaign against tobacco;
- to mobilize the resources necessary for its operation.

**Article 33** : The National Committee for the Campaign against Tobacco is to ensure follow-up and enactment of bilateral or multilateral cooperation agreements signed by Togo in matters concerning the campaign against tobacco.

**Article 34** : The composition and operational processes of the National Committee for the Campaign against Tobacco are to be determined by a decree of the council of ministers.

## **CHAPTER VIII- TRANSITORY AND FINAL PROVISIONS**

**Article 35** : A period of twelve (12) months counting from the date of the promulgation of this law is granted to producers, manufacturers and distributors of tobacco and its derivative products to come into compliance with it.

**Article 36** : Decrees in the council of ministers shall set the terms for the application of this law.

**Article 37** : All earlier provisions at variance with this law are hereby rescinded.

**Article 38** : This law shall be executed as a law of the State.