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REPUBLIC OF BENIN

PRESIDENCY OF THE REPUBLIC

**DECREE No. 2009-702 OF DECEMBER 31, 2009**

Concerning organization of control of the production,  
importation, commercialization and consumption of cigarettes  
and other tobacco products in the Republic of Benin

**THE PRESIDENT OF THE REPUBLIC  
HEAD OF STATE,  
HEAD OF THE GOVERNMENT,**

In light of	Law 90-032 of December 11, 1990, concerning the Constitution of the Republic of Benin;
In light of	Law No. 1990-005 of May 15, 1990, setting the terms for the exercise of commercial activities in the Republic of Benin
In light of	Law No. 2006-12 of August 7, 2006, concerning regulation of the production, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin;
In light of	Law No. 2007-21 of October 16, 2007, concerning consumer protection in the Republic of Benin;
In light of	the Proclamation of March 29, 2006, by the Constitutional Court of the definitive results of the presidential election of March 19, 2006;
In light of	Decree No. 2008-637 of October 27, 2008 concerning the composition of the government;
In light of	Decree No. 2006-268 of June 14, 2006, determining the structure and type of the Ministries;
In light of	Decree No. 2008-515 of September 8, 2008, concerning the attributions, organization and functioning of the Ministry of Industry and Commerce;
In light of	the joint proposition of the Minister of Commerce, Minister of Health and Minister of Industry;

The Council of Ministers at its session on April 29, 2009;

Article 1: The control of the production, importation, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin is organized pursuant to Law No. 2006-12 of August 7, 2006, concerning regulation of the production, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin.

Article 2: The activities of production, importation, promotion and distribution of cigarettes and other tobacco products in the Republic of Benin are subject to the permanent oversight of the competent institutions within the scope of their attributions.

Article 3: Unscheduled inspections may be organized by the Ministry of Commerce, the Ministry of Industry, the Ministry of Health, and the Ministry of the Interior and Public Safety for the purpose of ascertaining compliance with the provisions of this Decree, and of Law No. 2006-12 of August 7, 2006, concerning regulation of the production, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin.

Article 4: In hotels, restaurants and bars, separate spaces should be reserved for smokers in order to protect non-smokers.

Article 5: Packages, cases or packs of cigarettes and other tobacco products provided for public consumption must display in indelible and highly legible text the health warning: "tobacco is seriously harmful to your health."

This statement must cover an area of 50% or more of the main surfaces of the package, but not less than 30%.

On each one of the lateral surfaces of packages, cases or packs of cigarettes and other tobacco products, the content of nicotine, tar and carbon monoxide should also be stated.

The standards implemented in the Republic of Benin are as follows:

- 10 mg per cigarette for tar;
- 1 mg per cigarette for nicotine;
- 10 mg per cigarette for carbon monoxide.

These statements should cover an area of at least 30% of the lateral surfaces of the package.

Article 6: Violations or attempted violations of the provisions regulating the production, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin are to be punished in accordance with Law No. 90-005 of May 15, 1990, setting the terms for the exercise of commercial activities in the Republic of Benin, and Law No. 2006-12 of August 7, 2006, concerning regulation of the production, commercialization and consumption of cigarettes and other

tobacco products in the Republic of Benin;

Article 7: Any earlier provisions at variance with this Decree are hereby rescinded, and the Decree is to take effect as of the date of its signature.

Article 8: The Minister of Commerce, the Minister of Health, the Minister of Industry, the Minister of Economy and Finance, the Attorney General, the Minister of Justice, Law and Human Rights, Spokesman of the Government, the Minister of Crafts and Tourism, the Minister of the Interior and Public Safety, and the Minister of the Environment and the Protection of Nature are charged, each within the scope of their concerns, with the implementation of this Decree, which is to be published in the *Journal Officiel*.

Done in Cotonou, on December 31, 2009

By the President of the Republic  
Head of State, Head of the Government,

[illegible signature]

**Dr. Boni YAYI**

The Minister of State in charge of Research, Development  
and Evaluation of Public Policy and Coordination  
of Governmental Action

[illegible signature]

Pascal Irénée KOUPAKI

The Minister of Health

[illegible signature]

Issifou TAKPARA

The Minister of Commerce

[illegible signature]

Christine OUINSAVI

The Minister of Economy  
and Finance

[illegible signature]

Idriss L. DAOUDA

The Attorney General, Minister  
of Justice, Law and Human Rights

[illegible signature]

Victor Prudent TOPANOU

The Minister of Crafts  
and Tourism

[illegible signature]

Mamata BAKO DJAUGA

The Minister of Industry

[illegible signature]

Roger DOVONOU

Unofficial Translation

The Minister of the Interior  
and Public Safety

[illegible signature]

Armand ZINZINDOHOUE

The Minister of the Environment  
and the Protection of Nature

[illegible signature]

Justin Sossou ADANMAYI

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