

PRESIDENCY OF THE REPUBLIC

GENERAL SECRETARIAT OF
GOVERNMENT

Decree n° 2018 - 217 _____ of June 5, 2018 _____
Concerning the packaging and labeling of tobacco and its derivative products

THE PRESIDENT OF THE REPUBLIC,

In light of the Constitution;

In light of Law n° 01-63 of January 13, 1963, as amended by Law n° 10-83 of January 27, 1983, concerning the Code of Penal Procedure;

In light of Law n° 6-94 of June 1, 1994, concerning the regulation of awards, commercial standards, investigation and enforcement against fraud;

In light of Law n° 7-94 of June 1, 1994, regulating the regime of imports, exports and re-exports;

In light of Law n° 20-2005 of December 1, 2005, authorizing the ratification of the Framework Convention for Tobacco Control in Congo;

In light of Law n° 12-2012 of July 4, 2012, concerning tobacco control;

In light of Decree n° 2009-402 of October 13, 2009, concerning the attributions of the Minister of Health and Population;

In light of Decree n° 2013-813 of December 30, 2013, concerning the organization of the Ministry of Health and Population;

In light of Decree n° 2017-371 of August 21, 2017 concerning nomination the Prime Minister, Head of the Government;

In light of Decree n° 2017-373 of August 22, 2017, concerning the nomination of members of the Government;

In the Council of Ministers,

DECREES:

Chapter 1: General provisions

Article 1: This Decree determines the procedures for the packaging and labeling of tobacco and its derivative products.

Article 2: By the terms of this Decree, the following expressions are defined as follows:

Packaging of tobacco and its derivative products. Immediate or other packaging of tobacco and its derivative products.

Plain packaging: Plain packaging of tobacco products consists of taking measures to require that packages of all tobacco products have a standard color and style, and exhibit nothing but the name of the product. Thus, plain packaging restricts or prohibits the use of logos, colors, images of brands or promotional texts on packages of tobacco products;

Primary packaging: Any pack, envelope, receptacle or any other container in direct contact with the tobacco and its derivative products; a form of presentation provided for users by retailers, particularly the pack and display units;

Secondary packaging: Any kind of receptacle containing primary packages, particularly cartons and cases;

Attachment: Any communication or message attached to the outside of each pack and/or carton purchased at a point of sale by a consumer, such as mini-leaflets or brochures;

Labeling of tobacco and its derivative products: statements, indications, instructions on use, images or signs having to do with products and appearing on the tobacco and its derivative products and on any package, particularly notices, signs, labels, rings or flanges accompanying the tobacco and its derivative products;

Inner label: required statements shown on the tobacco and its derivative products and on the primary packaging;

Outer label: required statements exhibited on the tobacco and its derivative products and on secondary packaging;

Poisoning: the combination of disorders due to the voluntary or involuntary introduction into the organism of one or more toxic substances;

Health messages and warnings: images accompanying required text and messages that must be displayed on primary, secondary packaging, and on any kind of presentation of tobacco and its derivative products, for the purpose of raising awareness on the harmful effects of tobacco;

Tobacco products: the assortment of tobacco derivatives intended to be smoked, sucked, chewed, snorted or sniffed, as long as they are even partially composed of tobacco, products intended to be smoked even if they do not contain tobacco, as well as any products addressed in advertising for tobacco and its derivatives;

Tobacco products that do not contain tobacco, any product of candy, cosmetology, any gadget, object or article whose title or form of presentation is similar to that of a tobacco product or tobacco derivatives, whether distributed for free or sold, which are likely to promote the use of tobacco and its derivative products;

Insert: any communication or message placed inside each pack and/or carton purchased at a point of sale by a consumer, such as mini-brochures slipped into the outer cellophane envelope or glued to the outside of the pack of cigarettes;

Tobacco habit: addiction to tobacco.

Chapter 2: Dimensions of health warnings

Article 3: Any pack, carton or case of tobacco, its derivative products or any other kind of packaging, or outer and inner labeling of tobacco products must exhibit, without exception, health warnings and images describing the harmful effects of tobacco consumption, in French and in the spoken languages.

Article 4: Health warnings appearing on the various kinds of packaging and labeling of tobacco products and derivatives, include messages and health warnings.

Article 5: An administrative order by the Minister of Health shall define the messages and health warnings in terms of their required text and images, as well as their specifications and modes of use.

Article 6: Health warnings must not be in any way disguised, concealed or separated by other indications, images or logos, or by the opening of the pack, or tax stamps and other information, with regard to cigarettes.

The packaging must be plain, and may contain at most two contrasting colors, and nothing else.

Article 7: Packaging for retail sale must not include characteristics designed to change the package after retail sale, including folding or detachable labels, labels designed to be crossed out or rubbed away to allow an image or text to appear.

Article 8: In addition to health warnings on the main surfaces, packs, cartons and other packaging for tobacco products must exhibit information on the ingredients and emissions, to be defined by an administrative order of the Minister of Health.

Article 9: The statement "sale authorized in the Republic of Congo" must be printed beneath the trademark in indelible and very prominent characters, with a height that may not be less than five millimeters.

Article 10: It is prohibited to state on packs or cartons qualitative and quantitative information such as levels of tar, nicotine or indications of reduced levels of nitrosamine or prohibited statements.

Chapter 3: Attachments, inserts and rotation

Article 11: Attachments and inserts, as defined in Article 2 of this Decree, are strictly prohibited.

Article 12: Health warnings on packs or cartons must be alternated every 24 months.

Article 13: Manufacturers and importers of tobacco and its derivatives are required to use four health warnings concomitantly, chosen from a given series, which must be printed in such a way that each one of these warnings will appear on an equal number of packs sold on a retail basis, not only for each group of brands, but also for each brand within the group of brands for each size and each type.

Article 14: Manufacturers and importers of tobacco products, as well as wholesalers and retailers who sell these products are responsible for the compliance of their products with provisions concerning packaging and labeling.

Article 15: Upon introduction of a new series of health warnings, a transitory period of 6 months is to be granted to manufacturers and importers of tobacco products, as well as wholesalers and retailers, during which the former series may circulate concurrently with the new series. Beyond this period, the former series must be withdrawn from the market.

Chapter 4: Miscellaneous, transitory and final provisions

Article 16: The National Program for Tobacco Control shall take the necessary measures to ensure the periodic follow-up and assessment of the implementation of measures concerning the packaging and labeling of tobacco and its derivatives.

Article 17: Manufacturers, importers and authorized distributors of tobacco and its derivative products must enter into compliance with this Decree within a period of one year, counting from its date of publication.

Unofficial Translation

Article 18: Regulatory services of inspection of the State, notably the General Bureau of Health Inspection, the Department of Hygiene, members of the National Council for Tobacco Control and others, the police and the constabulary, are charged with seeing to compliance with the provisions of this Decree, in accordance with Articles 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Law n° 12-2012 of July 4, 2012, concerning tobacco control.

Article 19: This Decree shall be registered and published in the Official Journal of the Republic of Congo.

2018 - 217 Done in Brazzaville, on June 5, 2018

Denis SASSOU-N'GUESSO. -

By the President of the Republic,

The Prime Minister, Head of the
Government

The Vice Prime Minister, in charge of the Civil Service,
Reform of the State, Labor and Social Security,

Clément MOUAMBA.-

The Minister of Health and Population,

Firmin AYESEA. -

The Minister of Small and Medium Businesses,
Craftsmanship and the Informal Sector

Jacqueline Lydia MIKOLO -

The Minister of State, Minister of Commerce,
Supplies and Consumption,

Yvonne Adelaïde MOUGANYA-

The Minister of the Interior and Decentralization,

Alphonse Claude NSILOU -

Raymond Zéphirin MBOULOU-