

PRESIDENCE DE LA REPUBLIQUE

REPUBLIQUE DE COTE D'IVOIRE

Union-Discipline-Travail

**DECREE No. 2022-75 OF JANUARY 26, 2022
IMPLEMENTING HEALTH WARNINGS, PACKAGING, LABELLING
AND MARKETING OF TOBACCO AND TOBACCO PRODUCTS**

THE PRESIDENT OF THE REPUBLIC,

Following the joint report of the Minister of Commerce and Industry; the Minister of State, Minister of Agriculture and Rural Development; the Minister of Health, Public Hygiene and Universal Health Coverage; and the Minister of Employment and Social Protection,

- In consideration of** the Constitution;
- In consideration of** Act No. 2016-410 of June 15, 2016 on the punishment of fraud and forgery in the sale of goods or services;
- In consideration of** Act No. 2019-676 of July 23, 2019 on tobacco control in Côte d'Ivoire;
- In consideration of** Decree No. 2010-08 of January 28, 2010 ratifying and publishing the World Health Organization Framework Convention on Tobacco Control;
- In consideration of** Decree No. 2015-928 of December 30, 2015 ratifying the Protocol to eliminate illicit trade in tobacco products;
- In consideration of** Decree No. 2021-176 of March 26, 2021 nominating the Prime Minister, Head of Government;
- In consideration of** Decree No. 2021-181 of April 6, 2021 nominating the Members of the Government;
- In consideration of** Decree No. 2021-190 of April 28, 2021 on the responsibilities of the Members of the Government;

HAVING HEARD THE COUNCIL OF MINISTERS,

DECREES:

Nº 2200609

CHAPTER I - GENERAL PROVISIONS

Article 1: The purpose of this Decree is to set the terms of application of the provisions of the abovementioned Act No. 2019-676 of July 23, 2019 on health warnings, packaging, labelling and marketing conditions of tobacco and tobacco products.

CHAPTER II: HEALTH WARNINGS

Article 2: Packs, cartridges and any other outer packaging for tobacco and tobacco products must include health warnings in the form of text and images or photos, in permanent, visible and clear characters.

These health warnings must cover 70% of the main front and back surfaces. They shall not be paraphrased and shall not include any comments or references whatsoever.

Article 3: Health warnings shall be renewed every two years.

Article 4: Tobacco product manufacturers shall be responsible for the cost of displaying health warnings on different forms of tobacco product packaging.

Article 5: Health warnings created by the Ministry of Health to be used on packs, cartridges and any other outer packaging for tobacco and tobacco products shall be fully owned by this Ministry.

However, the Ministry of Health may require the health warnings promoted by the World Health Organization.

Article 6: Health warnings may not be concealed, covered or separated by other indications, images or logos or by the pack opening, with regard to cigarette packs.

Article 7: Authorized points of sale of tobacco and tobacco products must be designated by signs reminding of the dangers related to tobacco use.

The health warning “tobacco is seriously harmful to health” or any other health warning and an image or photograph must be placed on the front of each point of sale.

Article 8: The terms of application of health warnings shall be determined by Decree of the Minister of Health.

CHAPTER III - PACKAGING AND LABELLING

Article 9: Packs, cartridges and any other outside packaging of cigarettes, cigars, cigarillos and any other tobacco product shall be plain packaging in a single color and in parallelepiped form.

Article 10: Packs, cartridges and any other outside packaging of tobacco and tobacco products manufactured locally or abroad, intended for sale and consumption, must include the following statements in French and presented in a visible, clear and legible manner:

- “Sale permitted in Côte d'Ivoire;”
- “Prohibited to minors;”
- “Prohibited to pregnant women;”
- the barcode;
- the unique brand identifier;
- the brand name;
- the amount in numbers of the tobacco products.

Article 11: The following shall be prohibited:

- the mention of qualitative and quantitative information, such as levels of tar, nicotine, or any other component or emission of tobacco on packs, cartridges and any other outside packaging of tobacco and tobacco products;
- any feature aimed at undermining the neutrality and standardization of packs, cartridges and any other outside packaging of tobacco and tobacco products;
- the inclusion on packs, cartridges and any other outside packaging of tobacco and tobacco products manufactured locally or abroad, of misleading, deceptive or false information on the health effects of tobacco, giving or likely to give the consumer the false impression that a particular tobacco product is less harmful than others or any other term of similar significance, even in other languages, such as:
 1. “low-tar,” “mild,” “light,” “ultra-light,” “gold,” “duo;”
 2. terms, names, colors, figurative marks, or other features.

Article 12: The messages, images or photos adopted by the Ministry of Health shall be put on digital media and made available to manufacturers of tobacco products in order to be compliant.

No other image, photo or any health warning shall be permitted.

Article 13: The color and dimensions of the packs and any other plain form of packaging shall be determined by Decree of the Ministry of Health.

CHAPTER IV - MARKETING CONDITIONS

Article 14: Tobacco and tobacco products can only be marketed at points of sale approved by Decree of the Ministry of Commerce.

Article 15: The owner of an approved point of sale cannot display tobacco, tobacco products and any other outside packaging within the public's view.
Only the display of the list of tobacco products and their price, within an approved point of sale, shall be permitted.

Article 16: The owner of an approved point of sale shall be required to affix the regulatory signage prohibiting smoking in public places and public transportation and the regulatory signage prohibiting sale to minors or pregnant women in a legible and clear manner within the points of sale.

Article 17: Tobacco and tobacco products cannot be associated with other products for sale.

Article 18: The sale of electronic cigarettes or other vaping products shall be carried out in the same conditions as those stipulated for the sale of other tobacco products.

Article 19: In free zones, tobacco and tobacco products shall be sold at the same market price.

Article 20: Approved points of sale cannot in any case advertise or promote tobacco and tobacco products.

CHAPTER V - TEMPORARY AND FINAL PROVISIONS

Article 21: Manufacturers, importers, exporters, distributors and owners of approved points of sale of tobacco and tobacco products shall have a period of 12 months from the effective date of this Decree to comply with it, excluding the health warnings for which they have a period of 6 months.

Article 22: This Decree amends Decree No. 65-75 of March 5, 1965, determining the special rules for labeling of smoking tobacco, cigars, cigarettes and matches.

Article 23: The Minister of Commerce and Industry, Minister of State, Minister of Agriculture and Rural Development, Minister of Health, Public Hygiene and Universal Health Coverage, and the Minister of Employment and Social Protection shall be responsible, each according to its own interest, for the execution of this Decree, which shall be published in the Official Journal of the Republic of Côte d'Ivoire.

Made in Abidjan, January 26, 2022

Alassane OUATTARA

Certified True Copy of the Original

The General Secretary of the Government



A handwritten signature in dark ink, appearing to read 'Eliane Atté Bimanagbo'.

Eliane Atté BIMANAGBO

Prefect