

Democratic Republic of Congo

GOVERNMENT OF THE REPUBLIC

Kinshasa, DEC 28, 2007

MINISTRY OF PUBLIC HEALTH

No. 1250/CAB/MIN/SP/4449/JT/2007

The Minister

**ADMINISTRATIVE ORDER N°1250/CAB/MIN/SP/O20/JT/2007 OF JULY 19, 2007,
AMENDING AND SUPPLEMENTING MINISTERIAL ADMINISTRATIVE ORDER
N°1250/CAB/MIN/SP/O10/AQ/2007 OF JULY 19, 2007, BEARING ON MEASURES
APPLICABLE TO THE USE AND CONSUMPTION OF TOBACCO, TOBACCO
PRODUCTS AND DERIVATIVES**

THE MINISTER OF HEALTH;

- In light of the Constitution, particularly its Articles 93 and 202;
- In light of Order No. 07/001 of February 5, 2007, bearing on the appointment of Ministers of State, Ministers and Vice Ministers;
- In light of Order No. 07/018 of May 16, 2007, setting the attributions of Ministers, particularly in its Article 1, point B, 24.
- In light of the Framework Convention on Tobacco Control of the WHO adopted in Geneva on May 21, 2003, and signed and ratified, respectively, on June 28, 2004, and October 26, 2005, by the Democratic Republic of Congo, and entering into force on January 28, 2006;
- In light of Order No. 27 bis/Hyg of March 15, 1933, concerning the exercise of the pharmacy trade in the Democratic Republic of Congo, particularly its chapters II, III and IV;
- In light of Ministerial Administrative Order No. 008 CAB/MIN.INFO.PRES & COM.NAT/2007 amending and supplementing Administrative Order No. 04/MCP/009/2002 of October 15, 2002

setting the criteria for the assessment of advertising for tobacco and alcoholic beverages

- In light of Ministerial Administrative Order No. 1250 CAB/MIN/SPF/014/1997 of March 17, 1997, concerning sanitary enforcement measures on tobacco consumption;
- In light of Ministerial Administrative Order No. 1250 CAB/MIN/S/CJ/CM/25/2003 of May 3, 2003, concerning the creation and organization of the National Program for Control of Addiction and Toxic Substances (PNLCT – *Programme National de Lutte contre la Toxicomanie et les substances toxiques*) in the Democratic Republic of Congo;
- In light of Ministerial Administrative Order No. 084/CAB/MIN/Finances/2003 of October 22, 2003, concerning the specific taxation and application of tax stamps on processed tobacco;
- In light of Order-Law No. 68/010 of June 6, 1960, concerning excise and consumption taxes and the regime for alcoholic beverages;
- In light of Order No. 87/017 of January 19, 1987, amending and supplementing Order No. 075-271 of August 22, 1975, concerning the creation of a NATIONAL REGULATORY COMMITTEE
- Reviewing Ministerial Administrative Order n°1250/CAB/MIN/SP/O10/AQ/2007 of July 19, 2007, bearing on measures applicable to the use and consumption of tobacco, tobacco products and derivatives;
- Understanding that the protection of Public Health prevails over all other considerations;
- Whereas, however, the implementation of measures concerning the regulation of tobacco, its products and derivatives, as well as those concerning the setting of rates for fees, taxes and payments to be made at the initiative of the Ministry of the Public Health entails a certain delay;
- Whereas it is necessary also to take into consideration the period of viability for any product offered for human consumption;

ORDERS:

Article 1:

Articles 10 and 22 of Ministerial Administrative Order n°1250/CAB/MIN/SP/O10/AQ/2007 of July 19, 2007, bearing on measures applicable to the use and consumption of tobacco, tobacco products and derivatives are hereby amended and supplemented as follows;

Article 2:

In addition to the statements required in Article 10 of the Administrative Order noted above, namely, the name of the brand, the name of the manufacturer, the name of the country of origin and the lot number, as well as the tar and nicotine content, all packs of tobacco products must bear the dates of manufacture and expiration of the product. These statements are to be printed in a legible fashion in black on a white background.

Article 3:

Permits for the registration, manufacture, import, export and distribution, as indicated in Article 19 of the Administrative Order noted above, are subject to payment. Their rate is to be set by interministerial administrative order of the Ministers of Public Health, Finance and the Budget, at the instigation of the Minister of Public Health.

Article 4:

The deadline indicated by Article 22 of the Administrative Order noted above is subject to an extension of 6 months, which begins to elapse on January 20, 2008.

Article 5:

A mission of evaluation of the Ministry of Public Health is to be conducted throughout the country to establish the status of facilities for all producers and/or importers in the tobacco sector.

Article 6:

Any earlier provisions at variance with this Administrative Order are hereby rescinded.

Article 7:

The Secretary General of Public Health is charged with the execution of this Administrative Order, which enters into force on the date of its signing.

Done in Kinshasa on DECEMBER 20, 2007

Dr Victor MAKWENGE KAPUT

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