

Article 6

The Secretary-General of Urban Planning and Habitat, the Secretary-General of Land Affairs and the Governor of the City of Kinshasa are tasked, each for that under their purview, with the enforcement of this Order, which shall enter into force on the date it is signed.

Article 7

All prior provisions contrary to this Order are repealed.

Issued in Kinshasa, 25 JAN 2023.

Pius Muabilu Mbayu Mukala

Ministry of Public Health, Hygiene and Prevention

Order No. 1250/CAB/MIN/SPHP/041/DCA/PNLCT/2022 of 26 NOV 2022 banning the advertising, promotion and sponsorship of tobacco, tobacco products and derived products and smoking in public places

The Minister of Public Health, Hygiene and Prevention;

In view of the Constitution of the Democratic Republic of the Congo, as amended by Act. No. 11/002 of 20 JAN 2011 revising certain Articles of the Constitution of 18 FEB 2006, in particular Articles 42, 47, 69, 215;

In view of the World Health Organization Framework Convention on Tobacco Control ratified by the Democratic Republic of the Congo on 26 OCT 2005, in particular Articles 5, 3, 8 and 13;

In view of Act No. 18/035 of 13 DEC 2018 setting the fundamental principles relating to the organization of public health;

In view of Ordinance No. 21/006 of 14 FEB 2021 nominating a Prime Minister;

In view of Ordinance No. 21/012 of 12 APR 2021 nominating the Deputy Prime Ministers, Ministers of State, Ministers and Deputy Ministers;

In view of Ordinance No. 22/003 of 7 JAN 2022 on the organization and functioning of the Government and the methods of collaboration between the President of the Republic and the Government and between the members of Government;

In view of Ordinance No. 22/003 of 7 JAN 2022 setting the responsibilities of the Ministers;

In view of Ordinance No. 27 bis Hygiene of 15 MAR 1933 on the practice of pharmacy in the Democratic Republic of the Congo, in particular Chapter III on sedative and narcotic substances;

In view of Order No. 1250/CAB/MIN/S/CJ/025/PK/2003 of 3 MAY 2003 creating the National Program to Combat Drug Addiction and Toxic Substances in the DRC;

In view of Order 010/2007 of 19 JUL 2007 regulating tobacco use and consumption in the DRC;

Considering the harmful effects of the consumption of tobacco, tobacco products and derived products, including Shikata and Chicha, which are risk factors for nontransmissible chronic diseases resulting in morbidity and mortality and which also constitute a socioeconomic and environmental burden;

Considering the health and environmental dangers of secondhand tobacco smoke exposure in nonsmokers, which expose them to more serious consequences than active smokers;

Considering the naturally toxic nature of tobacco smoke, tobacco products and derived products;

Whereas tobacco is often consumed concomitantly with other drugs, such as cannabis and *bombé*;

Whereas the advertising, promotion and sponsorship of tobacco, tobacco products and derived products encourage high tobacco consumption in the population, especially in youth, leading to dependency;

Considering the urgency and necessity;

HEREBY ORDERS

Chapter 1: General Provisions

Article 1

This Order bans the advertising, promotion and sponsorship of tobacco, tobacco products and derived products.

It also bans smoking in public places.

Article 2

This Order aims to reduce smoking-related morbidity and mortality.

Article 3

For the purposes of this Order, the terms below shall have the following meanings:

- Tobacco: Plant containing a toxic alkaloid, nicotine.

- Tobacco product: Products entirely or partially made of leaf tobacco as the raw material and intended to be smoked, snuffed, chewed or sucked.
- Tobacco derived product: Any substance or compound arising from tobacco and tobacco product combustion.
- Ingredient: Any substance or component other than the leaves or other natural parts of the tobacco plant, used in the manufacturing or preparation of a tobacco product and still present in the finished product, even without a modified form.
- Point of sale for tobacco, tobacco products and derived products: Any fixed site permanently delimited by partitions or continuous walls extending from the floor to the ceiling, which customers can only access through a door, at which the operator sells tobacco, tobacco products or derived products as retail.
- Street vending: A mode of commerce practiced in the Democratic Republic of Congo that consists of walking with goods held in the hands or on the head while moving from place to place.
- Indirect advertising: Any form of communication or commercial contribution or action recommendation for tobacco, by its graphic design or presentation or the use of a brand or advertising symbol or any other distinctive sign.
- Promotion and advertising of tobacco, tobacco products and derived products[:] Any contribution of any kind to any event, activity or an individual or legal entity, aiming to or having the likely effect of directly or indirectly promoting a tobacco product or tobacco use.
- Passive smoking: Any consumption by involuntary absorption of the smoke of tobacco, tobacco products or derived products.
- Public places or spaces: Any opened or closed, publicly owned or publicly used places accessible and usable by all.
- Public transit: Mode of transport consisting of transporting several people together for the same trip.

Article 4

Any interference by the tobacco industry in the implementation of public health policies for tobacco control is prohibited.

Article 5

Chapter II: Institutional Framework

Tobacco control is handled by the Ministry of Public Health, Hygiene and Prevention, through the National Program to Combat Drug Addiction and Toxic Substances (PNLCT).

Article 6

All public safety public services, nongovernmental organizations and technical and financial partners effectively contribute to tobacco control.

Chapter III: Ban on Advertising, Promotion and Sponsorship of Tobacco, Tobacco Products and Derived Products

Section 1: Ban on Advertising of Tobacco, Tobacco Products and Derived Products

Article 7

The following is prohibited:

- Disseminating in the audiovisual and written media, any direct or indirect propaganda or advertisement in favor of tobacco, tobacco products or ingredients;
- Advertising through signs, banners, umbrellas, distributed printouts, jibes [sic], illuminated signs, writing and images on vehicles and any other machines and on walls;

Any disguised form of advertising for tobacco and tobacco products through brand stretching or brand sharing is prohibited.

Article 8

Any cross-border form of advertising for tobacco, tobacco products and derived products is strictly prohibited.

This ban applies mutatis mutandis to imports and carriers of communication media or any other related means.

Section 2: Ban on Promotion of Tobacco, Tobacco Products and Derived Products

Article 9

The promotion of tobacco, tobacco products and derived products on any communication media, including in points of sale, is prohibited. This ban also applies to press outlets and aboard boats, vehicles and planes as well as in ports, airports and train stations.

Article 10

The following is prohibited:

- Manufacturing, distributing free of charge and selling candy, toys or any other object that recalls a tobacco product;
- Providing a tobacco product or derived product free of charge or in exchange for the purchase of a product, a service or service provision;
- Providing an accessory featuring a tobacco product brand element free of charge or in exchange for the purchase of a product or a service provision;
- A manufacturer directly or indirectly offering or giving something in exchange for the purchase of a tobacco product, such as a gift for the buyer or a third party, bonus, discount or eligibility to participate in a drawing, lottery or contest.

Article 11

The following is prohibited:

- Any disguised form of promotion of tobacco, tobacco products and derived products through brand stretching or brand sharing;
- The sale of tobacco by vending machines and street vendors;
- Any individual or legal entity using a minor as a representative for the marketing or sale of tobacco, tobacco products and derived products;
- Selling tobacco or tobacco products or offering them free of charge to a minor.

Article 12

Minors may not sell, purchase, transport or consume tobacco, tobacco products and derived products.

Furthermore, they may not be used for these same purposes.

Article 13

Any cross-border form of promotion of tobacco, tobacco products and derived products is strictly prohibited.

This ban applies *mutatis mutandis* to imports and carriers of communication media or any other related means.

Section 3: Ban on Sponsorship and Sponsoring of Tobacco, Tobacco Products and Derived Products

Article 14

The following is prohibited:

- Any form of sponsorship or sponsoring of tobacco, tobacco products and derived products.
- Any sponsorship or sponsoring operation that aims to or has the effect of directly or indirectly promoting or advertising tobacco, tobacco products and derived products;
- Any disguised form of sponsorship or sponsoring of tobacco, tobacco products and derived products through brand stretching or brand sharing;
- The use of vending machines and street vendors to sell tobacco, tobacco products and derived products;

Article 15

Any cross-border form of sponsorship or sponsoring of tobacco, tobacco products and derived products is prohibited.

The ban applies *mutatis mutandis* to imports and carriers of communication media or any other related means.

Chapter IV: Protection from Secondhand Smoke

Article 16

No one may consume tobacco, tobacco products and derived products in public places. These places include health care facilities, schools, higher education institutions, universities, public or private offices, planes, airports, boats, trains, buses, taxis, retirement homes, orphanages, boarding schools, game rooms, stadiums, gyms, exhibition rooms, classrooms, markets, meeting rooms, train stations, gas stations, bars, cafeterias, restaurants, gathering places, drinking establishments, hotel lobbies, shops, casinos, gambling clubs, cybercafes, discotheques and night clubs.

Article 17

Smoking tobacco, tobacco products and derived products in family residences in the presence of children, pregnant women or any other person is strictly prohibited.

Chapter V: Final Provisions

Article 18

Offenses relating to the violation of this Order shall be punished in accordance with Articles 136, 137, 138, 139 and 142 of Act No. 18/035 of 13 DEC 2018 setting the fundamental principles relating to the organization of public health.

Article 19

All prior provisions contrary to this Order are repealed.

Article 20

The Secretary-General of Public Health, Hygiene and Prevention and all public safety public services are tasked, each for under their purview, with the enforcement of this Order, which shall enter into force on the date it is signed.

Issued in Kinshasa, 2 FEB 2023.

Dr. Jean-Jacques Mbungani Mbanda

Ministry of the National Economy

Ministerial Order No. 002/CAB/MIN/ECONAT/NKK/ELL/2023 of 14 FEB 2023 nominating the members of the Coordinating Office of the National Commission on Competition

The Minister of the National Economy,

In view of the Constitution, as amended and supplemented by Act No. 11/002 of 20 JAN 2011, in particular Article 93;

In view of Organic Law No. 18/020 of 9 JUL 2018 on freedom of pricing and competition;

In view of Ordinance No. 21/003 of 14 FEB 2021 nominating a Prime Minister;

In view of Ordinance No. 21/012 of 12 APR 2021 nominating the Deputy Prime Ministers, Ministers of State, Ministers, Minister Delegates and Deputy Ministers;

In view of Ordinance No. 22/002 of 7 JAN 2022 on the organization and functioning of the Government and the methods of collaboration between the President of the Republic and the Government and between the members of Government;

In view of Ordinance No. 22/003 of 7 JAN 2022 setting the responsibilities of the Ministers;

In view of Ministerial Order No. 014/CAB/MIN/ECONAT/MBL/SGEN/dag/2016 of 23 MAY 2016 amending and supplementing Departmental Order DENI/CAB/06/013/87 of 26 MAY 1987 on the creation and functioning of the National Commission on Competition;

Considering the pressing need to strengthen regulation on competition and consumer protection in the Democratic Republic of the Congo;

Considering the necessity to strengthen governance of the National Commission on Competition with the aim of endowing it with management compatible with its missions and the expectations of the Government and population with regard to competition and consumer protection;

Considering the necessity to ensure regular functioning of the National Commission on Competition with the particular aim of supporting its transformation into a public institution as provided by law;

Considering the necessity and urgency;

HEREBY ORDERS

Article 1

Mr. Freddy Nsimba Luzolo is appointed Coordinator of the National Commission on Competition (CONAC).

Article 2

Mr. [sic] Dolly Mwanza Kenga is appointed Deputy Coordinator of the National Commission on Competition in charge of Economic Integration.

Article 3

Ms. Immaculée Cibalonza Bakulikira is appointed Deputy Coordinator of the National Commission on Competition in charge of Administration and Finances.

Article 4

All prior provisions contrary to this Order are repealed.

Article 5

The Director of the Cabinet of the Minister of National Economy is tasked with the enforcement of this Order, which shall enter into force on the date it is signed.

Issued in Kinshasa, 14 FEB 2023.

Nicolas Kazadi Kadima-Nzuji

Minister of the National Economy ad interim