

REPUBLIC OF BENIN

MINISTRY OF COMMERCE

CABINET OF THE MINISTER

GENERAL SECRETARIAT OF THE MINISTRY

GENERAL BUREAU OF DOMESTIC COMMERCE

INTERMINISTERIAL ADMINISTRATIVE ORDER

**No. 020 MC/MS/MAT/MISP/ MJLDH/DC/SGM/DGCI/DPET/DGPN/DLCS/SA
SETTING THE TERMS FOR THE USE OF CIGARETTES AND OTHER
TOBACCO PRODUCTS BY SMOKERS IN PLACES FOR SHARED USE IN THE
REPUBLIC OF BENIN**

THE MINISTER OF COMMERCE

THE MINISTER OF HEALTH

THE MINISTER OF CRAFTS AND TOURISM

THE MINISTER OF THE INTERIOR AND PUBLIC SAFETY

**ATTORNEY GENERAL, MINISTER OF JUSTICE, LAW AND
HUMAN RIGHTS**

In light of Law 90-032 of December 11, 1990, concerning the Constitution of the Republic of Benin;

- In light of Law No. 90-005 of May 15, 1990, setting the terms for the exercise of commercial activities in the Republic of Benin
- In light of Law No. 93-007 of March 29, 1993, concerning the amendment of Law No. 90-005 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, 2011, by the Constitutional Court of the definitive results of the presidential election of March 13, 2011;
- In light of Decree No. 2010-350 of July 19, 2010, 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. 2006-396 of July 31, 2006, concerning the attributions, organization and functioning of the Ministry of Health;
- In light of Decree No. 2007-445 of October 2, 2007, concerning the attributions, organization and functioning of the Ministry of Crafts and Tourism;
- In light of Decree No. 2007-465 of October 16, 2007, concerning the attributions, organization and functioning of the Ministry of the Interior and Public Safety;
- In light of Decree No. 2007-491 of November 2, 2007, concerning the attributions, organization and functioning of the Ministry of Justice, Law and Human Rights;
- In light of Decree No. 2009-179 of May 15, 2009, concerning the attributions, organization and functioning of the Ministry of Commerce;
- In light of Decree No. 2009-702 of December 31, 2009, concerning the organization of control of the production, importation, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin;
- In light of Administrative Order No. 049/MC/DC/SGM/DGCI/SA of April 2, 2010, concerning the attributions, organization and functioning of the General Bureau of Domestic Commerce;

At the proposal of the Minister of Commerce, hereby

ORDER

Article 1: In application of the provisions of Article 4 of Decree No. 2009-702 of December 31, 2009, concerning the organization of control of the production, importation, commercialization and consumption of cigarettes and other tobacco products in the Republic of Benin, this administrative order sets the terms on which the use of cigarettes and other tobacco products is authorized in public places and places subject to collective use.

Article 2: The use of cigarettes and other tobacco products is strictly prohibited in public places and places subject to collective use. In particular, this involves:

- All enclosed and covered places that receive the public or that constitute workplaces, places of amusement and other public places;
- Means of public transportation;
- Uncovered spaces in public and private primary schools, middle schools, and high schools, as well as establishments intended for the reception, training or lodging of minors.

Article 3: On the premises of the aforementioned establishments, a sign strictly prohibiting smoking is to be posted in a place that is visible to all users.

Article 4: In airports, bus stations, train stations, ship terminals, docks, hotels, restaurant-bars and the like, restricted areas are reserved for smokers in order to protect non-smokers.

Article 5: “Smoking areas” must comply with the following requirements:

- They must be reserved exclusively for persons over the age of eighteen (18);
- They must be located in a space inside the facilities or next to doors and windows with access to outside air, or equipped with ventilation and extraction equipment, so that no smoke will be passed from the smoking area to the rest of the premises;
- They must be clearly identified by signs as a “Smoking area.”

These signs must comply with the following requirements:

- Signs must measure at least 19 cm x 19 cm;
- The information posted on the signs must state “SMOKING AREA” and cover 80% of the surface area of the sign.

Article 6: Minors under the age of eighteen (18) must not have access to the “smoking areas” mentioned above.

Article 7: The “smoking areas” set aside that are mentioned in Article 5 are closed rooms, assigned for the consumption of tobacco, and in which no service is to be provided. They must be equipped with ashtrays to extinguish and dispose of cigarette butts.

Article 8: “Smoking areas” may not be set up inside public or private educational institutions, centers for training or apprenticeship, establishments intended to be regularly used for the reception, training, sheltering or athletic activities of minors, or in health care institutions.

Article 9: Managers of airports, bus stations, train stations, ship terminals, docks, hotels, restaurant-bars and the like, have a period of twelve (12) months after the signing of this administrative order to enter into compliance with these provisions.

Article 10: Violations of the provisions of this administrative order and its notes for implementation shall be punished by the penalties indicated in the legal texts in force.

Article 11: Any prior provisions at variance with this administrative order are hereby definitively rescinded.

Article 12: The Director General of Domestic Commerce, the National Director of Public Health, the Director of Tourism Occupations and Establishments, the Director General of the National Police, the Directors in charge of Transportation and the Director General of the Environment are charged, each within the scope of their concerns, with the execution of this administrative order, which are to be published wherever it may be necessary.

Cotonou, May 24, 2011

The Minister of Health

[stamp: Ministry of Health]

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Issifou [LAKPARA]

The Minister of Commerce

[stamp: Ministry of Commerce]

[illegible signature]

Cristine A. I. Nougbodé OUINSAVI

The Minister of Crafts and Tourism

[stamp: Ministry of Crafts & Tourism]

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Claudine PRUDENCIO

The Minister of the Interior and Public Safety

[stamp: REPUBLIC OF BENIN - MISP]

[illegible signature]

Martial SOUNTON

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

[stamp: Ministry of [illegible] and Human Rights]

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Gregoire AKOFODJI

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