

Cabinet Resolution No. (24) of 2013
Concerning the Executive Regulations of Federal Law No. (15) of 2009
Concerning the Combating of Tobacco

The Cabinet,

- Having reviewed the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and Capacities of Ministers, and its amending law thereof; and
- Federal Law No. (15) of 2009, Concerning the Combating of Tobacco; and
- Based upon the Minister of Health’s proposal and the Cabinet’s approval,

Decided:

Article (1)

In application of the provisions hereof, the following words and expressions shall have the meanings set out next thereto each, unless the context requires otherwise:

State	: The United Arab Emirates.
Ministry	: The Ministry of Health.
Minister	: The Minister of Health
Competent Authority	: The local authority in the concerned Emirate.
Law	: Federal Law No. (15) of 2009 Concerning the Combating of Tobacco
Smoking	: Using all kinds of tobacco in such a way that would lead to its combustion, heating, or smoke emission.
UAE Mandatory Standard (Technical Regulations)	: The approved standards of any kind of tobacco products on which the Ministers' Council shall issue a resolution concerning its mandatory application in the State.

- Pack** : A material filled with tobacco or its products so that it would be sold as an independent unit, upon offering it to a consumer.
- Commercial Cultivation** : Cultivating tobacco for selling it, which would be out of the scope of scientific experiments and research.
- Ancillary Buildings** : The outdoor yard bordering, neighboring or surrounding the worship houses, educational institutions and sports or health facilities.
- Related Goods** : Any goods related to the use of tobacco or its products such as lighters, ashtrays, and shisha tools.
- Tobacco** : All kinds, species, and parts of the tobacco plant such as its root, stem, leaves, fruits, and green dried seeds.
- Tobacco Products** : The products consisting, in whole or part, of the tobacco leaves as a raw material, whether as a whole or chopped or minced, either in its natural condition, mixed with other materials or formed in any other shape and tobacco powder in any of its forms or any other compound material containing tobacco.
- Tobacco Use** : Using all kinds of tobacco by way of smoking, inhaling, chewing, absorbing or any other means used for smoking or tobacco use.
- Publicity, Advertising, and Promotion** : Introducing the Tobacco plant or Products by using any of the readable, audio, or visual media, directly or indirectly, or any other means of encouraging Tobacco trading or and increasing the number of its users.
- Public Place** : A place intended for receiving the public or a certain class of people for any purpose.
- Enclosed Public Places** : A public place in the form of a complete building into which air enters only by outlets prepared therefor; the public transport shall be considered as an enclosed public place.

Public Transport : Buses, vehicles, trains, aircrafts, vessels, boats, and any other means dedicated to transport the public.

Article (2)

Without prejudice to the stipulated provisions under other laws, it shall be prohibited to bring Tobacco or its products to the State or to trade any of them inside it, unless the conditions in the UAE Mandatory Standards (Technical Regulations) are available therein.

Article (3)

The expressions, images and cautionary statements written on each pack of tobacco, or its Products must be in conformity with the UAE Mandatory Standards (technical regulations) no. "UAE S GSO 246", as amended.

Article (4)

It shall be prohibited to smoke while driving a private car, in the event that a child of not more than 12 years is present.

Article 5

Banning the Publicity, Advertising, and Promotion of Tobacco and its Products

It shall be prohibited that any or all natural or legal person would do the following acts:

1. Publicity, advertising and promotion of tobacco or its products and the related goods.
2. The distribution of tobacco, its products, or the Related Goods in the form of prizes or presents in any competition or events.
3. The use of Tobacco or its products as a means of Publicity, Advertising and Promotion of any other product, goods, or service.
4. Printing or publishing the advertisement or using any other means of publicity encouraging Tobacco Use.

Article (6)

It shall be prohibited that any or all natural or legal person working in any activities related to Tobacco or its products would exploit the care for any activities, events, groups, or persons to promote the Tobacco-related activity thereof.

Article (7)

It shall be prohibited that any and all public and private institutions and bodies, including the cultural, sports, academic and social ones, media, publishing, distributing and printing houses and publicity and advertising agencies, would do the works of advertising, publicity and promotion for using the tobacco or its products and the related goods to encourage tobacco use.

Article (8)

It shall be prohibited to publicize, advertise, and promote tobacco or its products by using all means that would target for encouraging tobacco use, including:

1. Advertising boards.
2. Personal effects, clothes and the like.
3. Electronic and similar means such as the internet and the electronic games.
4. Means of communication and the like such as phone calls and SMS.
5. Newspapers, magazines, books, brochures, pamphlets, CDs and advertising and media manual.
6. Film, TV, radio and theatre products, cartoon films, information and educational programs and the different means of communication.
7. Different public and private Means of Transport; and
8. Any or all Related Goods of Tobacco or its Products.

Article (9)

It shall be prohibited that the Tobacco companies would give donations and aid for the reasons of social responsibility to promote Tobacco.

Article (10)

Each and every enterprise that displays, sells or desires for displaying or selling tobacco or its products must be restricted to:

1. Obtain a license from the Competent Authority.
2. Place a copy of the license in a visible location in the enterprise.
3. Not to display or sell tobacco or its products next to the places of displaying or selling food or health goods and products, children's goods and products or sports tools and clothes.
4. Not to display Tobacco or its Products in the centers of sale at the points of payment, observing that they shall be at the farthest place from the point of payment within the shop.
5. Not to make deductions, discounts or special or promotional offers for tobacco or its products.
6. Not to display or sell tobacco or its products in the different festivals and exhibitions without a license thereof from the Competent Authority.
7. Not to sell tobacco or its products within the premises and buildings of the worship houses, educational institutions and sports or health facilities.
8. Not to sell tobacco or its products at a distance less than 100m of the worship houses.
9. Not to sell tobacco or its products at a distance less than 150m from the external entrance of the kindergartens, schools, institutes, colleges, and universities.
10. Not to sell tobacco or its products by the Electronic Information Network or any electronic means.
11. Any other terms approved by the Competent Authority and in no contravention with the provisions of law and the present Resolution.

Article (11)

The Public Places of Smoking Prohibition

It shall be prohibited to use any form of Tobacco in the following Public Places:

1. The public and private educational institutions such as schools, universities, scientific and training institutes, and their ancillaries.
2. The worship houses and their ancillaries.
3. The health and pharmaceutical facilities and their ancillaries.
4. The sports facilities and their ancillaries.
5. The public transport, private mass transport as well as their parking yards and gathering stations and their ancillaries.
6. The transport means and vehicles of food, medicine, health products and the like.
7. The transport means and vehicles of petroleum products and their derivatives, chemicals and their derivatives and any other combustible materials.
8. The shopping centers except for the authorized ones which fulfill the requirements in the attached annex hereto.
9. The restaurants except for the authorized ones which fulfill the requirements in the attached annex hereto.
10. The places of leisure and entertainment, theatres, cinemas and the like.
11. The industrial facilities, fuel and gas filling and distribution stations and their ancillaries.
12. Any other places approved by the Competent Authority and do not contravene with the provisions of law and the present Resolution.

Article (12)

The Controls of the Smoking-Dedicated Areas in the Enclosed Public Places

Except for the worship houses, educational institutions and health and sports facilities the Competent Authority may determine the smoking areas in the enclosed public paces according to the following controls:

First: a license shall be obtained from the Competent Authority.

Second: the place for smokers shall fulfill the following conditions:

1. It shall be totally isolated from the neighboring areas and shall not be less than 3m in height.
2. The total space of the enclosed public place shall not be less than 200 sqm.
3. The space of the place shall not be more than 50% of the total area of the enclosed public place, which condition shall not apply to the shisha coffee shops and the similar places.
4. The doors of the places shall be automatically closed.
5. Visible signs shall be placed at the entrances, indicating the place for smokers and the place for non-smokers.
6. It shall not contain any services (such as means of entertainment and games).
7. It shall not be a passage for non-smokers to access to another area.
8. It shall not be used for a purpose other than smoking such as sitting down, resting, eating, gaming entertaining or any other act.
9. It shall be not less 7.5 m away from the main entrances of the buildings.
10. The number of the individuals existing in such place at the same time shall not exceed the permitted number by 2sqm per person.
11. The safety conditions shall be available, including the use of fire-resistant materials and the provision of the firefighting systems.

Third: the place for smokers shall fulfill the following terms and specifications of ventilation and air-conditioning:

1. The interior air pressure shall be less than the neighboring places by 5-7 Pascal, equivalent to 0.02 - 0.03 water inch.
2. The air flow inside the place shall not be less than 25 L/S per person, as designed according to the maximum occupant density.
3. The contaminated air (exhaust) shall be expelled to the outside directly by mechanical ways, it may not be recycled in the ventilation and air-conditioning system.

4. The ventilation system shall be capable of air switching for not less than 10 times of air volume in the lounge per hour; the ventilation system shall keep working throughout working hours in the facility.
5. The ventilation and air-conditioning system shall be totally separated from the system for other places so that air recycling shall not be allowed with the other places for non-smokers.
6. The exits of the exhaust air shall be at a distance of at least 7.5 m from the building and window exits and entrances and the openings for providing the air-conditioning systems with the outside air.

Fourth: cautionary boards prohibiting the entrance of persons under 18 years old to the non-smoker places shall be fixed.

Fifth: any other terms and controls approved by the Competent Authority in no contravention with the provisions of the law and the present Resolution.

Article (13)

It shall be prohibited to license coffee shops and the like places which would provide any kinds of tobacco or its products next to the residential buildings or neighborhoods, unless the following conditions are available:

1. The distance between the place where tobacco or its products are offered, and residential buildings or neighborhoods shall not be less than 150m.
2. Their working hours of offering tobacco or its products shall be as of 10:00 am to 12:00 pm, which period may be extended by a special permit from the Competent Authority.
3. They shall be restricted to the controls in the annex hereto.
4. They shall abide by any other terms and controls approved by the Competent Authority in no contravention with the terms and controls in the present Resolution and its Annex.

Article 14

It shall be prohibited that the coffee shops and the similar places, which are licensed for offering Tobacco or its products, would:

1. Offer Tobacco or its products to those who are under 18 years old.
2. Deliver shisha services outside the licensed place.

Article (15)

Final Provisions

1. The farms which currently cultivate Tobacco for commercial purposes within the State must adjust their status according to the provisions of the law and hereof within a period of not more than 2 years as of the date of applying the provisions hereof.
2. The factories which currently manufacture Tobacco Products within the State must adjust their status according to the provisions of the law and hereof within a period of not more than 10 years as of the date of applying the provisions hereof, which period shall be renewable by a resolution of the Council of Ministers

Article (16)

The present Resolution shall be published in the Official Gazette and enter into force 6 months following the date of publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us:

On: 12 Ramadan 1434 AH

Corresponding to: 21 July 2013 AD

Annex to Cabinet Resolution No. (24) of 2013
Concerning the Executive Regulations of the Federal Law No. (15) of 2009
Concerning the Combating of Tobacco

Section One
The Terms and Controls for the Places Offering Shisha

First: Cafes and similar places:

- a. The planning conditions of the enclosed indoor lounges of the cafes and the similar:
 1. A license of the shisha cafes and the like shall be permitted in the areas classified as commercial, tourist or residential commercial areas which are located on the approved main streets.
 2. A license of the shisha cafes shall be permitted in the main streets separating the commercial and residential areas.
 3. The cafes and the similar places, which are licensed inside the commercial buildings, must have a separated external entrance, as per the approved main design of the building. The shop must not directly overlook the rest of the facilities and shops inside the building. It must not be isolated from the rest of the building.
 4. It shall be allowed to offer shisha in the licensed cafes and similar places in the shopping centers; provided that it shall be only in the outdoor places or shops with a separated external entrance so that such entrance shall not be within the main front of the building, the shisha place shall be invisible to the visitors of the center (inside and outside) and the shop shall be isolated from the rest of the center.
 5. It shall be allowed to offer shisha in the licensed cafes and similar places in the hotels, provided that it shall be only in the outdoor places, inside the plot limits and within the permitted uses, as per the planning and building requirements, and the shisha place shall be invisible to the visitors of the hotel (inside and outside).

6. The cafe or the similar place must be at a distance of not less than 7.5 m away from the main entrances of the neighboring buildings and shops.
 7. The shop must be in the buildings next to the public parking yards or in areas that have no problem with parking.
 8. It shall be forbidden to change the interior space of the shop unless an approval is taken from the Competent Authority.
 9. Any changes in the building in terms of the entrances, exits or service facilities shall require the prior approvals of the building management and the Department of Civil Defense for making any changes in the building in terms of the entrances, exits or service facilities.
 10. An approval must be obtained from the building owner or the authorized entity for offering shisha service inside the shop.
- b. The licensing terms of cafes and similar places:
1. The site shall fulfill the said planning conditions.
 2. The shop shall be licensed as a (cafe).
 3. The interior space of the shop shall not be less than 200m and the spaces of the cafe lounge shall not be less than 150m.
 4. An approval shall be obtained from the building management for the decorations.
 5. An approval shall be obtained from the building owner or the authorizing entity (NO Objection Letter) for providing shisha service inside the shop.
 6. A permit shall be obtained from the Competent Authority for offering shisha, provided that it shall contain the necessary requirements for ventilation and air-conditioning systems and the authorized work hours.
- c. The general health and safety terms for cafes and similar places:
1. The shop shall be completely isolated from the neighboring areas and shall not be less than 3m in height.
 2. The doors shall be automatically closed. They shall remain closed all times except for entrance and exit times.

3. A space of not less than 5m shall be provided for the cleanliness, sterilization and preparation of shisha and its tools so that it would be separated from the places for preparing tea and coffee and any other approved activity, provided that the following shall be available therein:
 - a. A preparation table of a stainless-steel material for shisha.
 - b. A basin for shisha.
 - c. A coal platform inside the shop connected to a mechanical ventilation system for the expulsion of the contaminated air (exhaust) directly outside.
4. The smoking lounge shall be separated from the places for preparing the shisha or tea, coffee, and other beverages.
5. The number of the individuals existing in the shop at the same time shall not be more than the permitted number by 2 sqm per person.
6. The place for smokers shall fulfill the terms and specifications of ventilation and air-conditioning.
7. The shop, its exterior yards and personnel shall be maintained clean.
8. The remnants of the used Tobacco shall not be used.
9. Disposable mouth pieces shall be used.
10. A toilet and at least an external basin shall be provided for men and the like for women.
11. A cautionary board (poster) shall be placed at the entrance of the shop, prohibiting the entrance of persons under 18 years old into the shop.
12. The shisha service shall not be provided outside the shop (shisha delivery to offices, homes, and cars).
13. All personnel in the cafe shall obtain valid professional health cards.
14. The general safety conditions shall be fulfilled, and the fire extinguishers shall be provided in visible places.
15. First aid kit shall be available.
16. Coal shall be stored in a manner safe from the risk of ignition.

17. The consumed coal shall be stored in a safe manner by putting it in a (metal or ceramic) incombustible containers at a distance of not less than 3 m away from any flammable materials, setting a sign on the container that it contains hot and dangerous coal.
18. The floors shall not be covered with flammable materials or materials that are difficult to be clean.
19. The shop shall be provided with an emergency exit, setting guiding marks thereof, if the shop accommodates more than 50 seats.
20. The shop shall not cause any disturbance to the building, neighborhood, area in general, traffic or public parking yards.
21. Shisha shall not be offered inside cabins with 3 or more closed sides.
22. A worker who brings or provides shisha in the shop shall not exercise any other activity.
23. A special uniform shall be allocated for the workers of preparing or presenting shisha.

Second: Restaurants

- a. The license terms of the restaurants offering shisha:
 1. The Competent Authority shall approve the site.
 2. The restaurant shall be licensed by the Competent Authority as a restaurant and cafe, a cafe and cafeteria or a cafe and fast food.
 3. The space of the shop shall not be less than 200sqm and the interior dining hall shall not be less 150 m, which area shall not include any common or external areas.
 4. The building management shall approve the decorations.
 5. An approval shall be obtained from the building owner or the authorizing entity (NO Objection Letter) for providing shisha service inside the restaurant.
 6. A permit shall be obtained from the Competent Authority for offering shisha; provided that it shall contain the necessary requirements for ventilation and air-conditioning systems and the authorized work hours.

b. The general health and safety terms of cafes and similar places:

Without prejudice to the provided terms with respect to the shisha cafes:

1. The shop shall be completely isolated from the areas dedicated for non-smokers and shall not be less than 3m in height.
2. The space of the place for smoking shisha shall not be more than 50% of the area of the indoor dining hall and 50% of the outdoor area dedicated therefor.
3. A cautionary board (poster) shall be placed at the entrance of the place, prohibiting the entrance of persons under 18 years old into the shop.
4. The restaurant, its exterior yards and personnel shall be maintained clean.

Third: The terms of using the pavements and outdoor yards of the licensed cafes and restaurants for offering shisha:

a. The planning conditions of using the pavements and outdoor yards:

1. It shall be allowed to use the pavements and outdoor yards of the buildings and opening areas for smoking shisha in the commercial or tourist classified areas.
2. The additional parts of a building shall not be used.
3. No part of a plot owned by a third party shall be used.
4. No part of the public parking yards or services shall be used.
5. The outdoor yard shall not exceed the extension of the external fronts of the licensed place.
6. No temporary or permanent facilities shall be established in the outdoor yards.
7. No change in the outdoor floors shall be made prior to obtain the required license.
8. The place dedicated for smoking shisha shall be at least 1.5 m away from the footpaths.
9. The place dedicated for smoking shisha shall be at least 7.5 m away from the building and shop entrances and shall not cause any disturbance to others. It shall be surrounded by decorative planting basins to separate the shisha smokers' area for the pedestrians.

10. In the event that the outdoor yard is affiliated with a hotel facility, such facility must be classified as a four-star facility and more. The term of space in Clause 3 of the license terms of the shisha cafes shall, then, not be applied.
- b. The license terms of using the pavements and outdoor yards:
 1. The pavements and outdoor yards shall be affiliated to a cafe, a restaurant and cafe, a cafe and cafeteria, or a cafe and fast food which would be licensed by the Competent Authority and permitted for offering shisha.
 2. An approval shall be obtained from the building owner or the authorizing entity (NO Objection Letter) for providing shisha service outside the shop.
 3. A permit shall be obtained from the Competent Authority for offering shisha.
 - c. The general health and safety conditions of using pavements and outdoor yards:
 1. The place dedicated to smokers shall be at least 7.5 m away from the windows and the openings for providing the air-conditioning systems with the outside air.
 2. The place dedicated to smokers shall be at least 3.5 m away from the swimming pools.
 3. The outdoor yard shall not be used to store or prepare coal or prepare or clean shisha.
 4. The outdoor yard shall not be used to display shisha for publicity.
 5. The seats dedicated for the smokers shall not be more than 50% of the total number of seats (except for the cafes).
 6. The seats dedicated for the smokers shall be at least 1.5 m away from those dedicated for the non-smokers (except for the cafes).
 7. Visible signs indicating the places for smokers and those for non-smokers shall be fixed.
 8. They shall not cause any disturbance to the building, neighborhood, area in general, traffic or public parking yards.
 9. All requirements and standards of occupying the pavements and outdoor yards of the buildings and commercial shops, which are issued by the Competent Authority, shall be bounded by.
 10. The shop, its exterior yards and personnel shall be maintained clean.

Section Two

The Terms and Controls for Licensing the Restaurants and Cafes to Allow their Customers for Smoking Other Than Shisha

Terms and Controls

It shall be conditional in the shops, which are licensed as a restaurant and cafe at the same time and allow their customers to use Tobacco (other than smoking shisha), that:

1. The indoor dining hall would not be less than 100sqm, excluding any common or outdoor areas.
2. The place for smokers shall fulfill the conditions, as provided in Article 12 hereof.
3. Smoking would be allowed in the opening areas of eating, which areas would have no ceiling or upper cover or have an opening in the walls of more than half of the total area of the walls, excluding the areas with open doors or windows or any supplies that can be opened or closed according to the following conditions:
 - a. The seats dedicated for the smokers shall not be more than 50% of the total seat number.
 - b. The seats dedicated for the smokers shall be at a distance of not less than 1.5 m away from the non-smokers so that it shall not adversely affect the convenience of the non-smokers (taking into consideration the air stream in the area).
 - c. The place for the smokers shall be at a distance of at least 7.5 m away from the building and window exits and entrances and the openings for providing the air-conditioning systems with the outside air.
 - d. Visible signs distinguishing the places for smokers and those for non-smokers shall be fixed.