

Federal Law No. (15) of 2009 on Combating Tobacco

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- Having reviewed the constitution;
- Federal Law No. (1) of 1972 regarding the Jurisdictions of Ministries and Powers of Ministers and the Laws amending thereof;
- Federal Law No. (1) of 1979 regarding Regulation of Industries;
- Federal Law No. (4) of 1979 regarding Combating Fraudulence and Cheating in Commercial Transactions;
- Federal Law No. (11) of 1981 regarding the imposition of federal customs tax on imports of Tobacco and its products, and the Laws amending thereof;
- The Penal Code promulgated by the Federal Law No. (3) of 1987 and the Laws amending thereof;
- The Penal Procedure Law promulgated by the Federal Law No. (35) of 1992;
- The Federal Law No. (24) of 1999 concerning the protection and development of environment and the Laws amending thereof;
- The Federal Law No. (28) of 2001 concerning Emirates Authority for Standardization and Metro-Establishing;
- The Federal Law No. (1) of 2003 concerning the establishment of the Federal Customs Authority FCA;
- The Federal Law No. (8) of 2004 concerning the establishment of Financial Free Zones;
- The Federal Law No. (24) of 2006 concerning the Consumer Protection and the Laws amending thereof;

- Federal Law No. (7) of 1993 regarding the establishment of the Environment Federal Authority and the Laws amending thereof;
- Federal Law No. (14) of 1995 concerning fighting narcotics & psychotropic substances and the Laws amending thereof;
- The Federal Law No. (20) of 1995 regarding the medicines & preparations extracted from natural sources;
- And upon the presentations of the Minister of Health, the approval of the Cabinet and the Federal National Council and the endorsement of the Federal Supreme Council,

Have enacted the following Law:

Article (1)

Definitions

In applying the provisions of the present Law, and unless otherwise required by the text, the following words and expressions shall have the meanings assigned thereto:

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| UAE | : The United Arab Emirates. |
| Minister | : The Minister of Health. |
| Competent Authority | : The local authority in the concerned Emirate. |
| Tobacco | : The Tobacco plant of all kinds, factions and its parts from the roots, stems, leaves, fruits and green or dried seeds. |
| Tobacco Products | The Products that consist wholly of partly of Tobacco leaf as raw material, whether whole or chopped or diced and whether on their natural state or mixed with other materials or formed in any form, powdered Tobacco in any form whatsoever, or any other composite material enters the Tobacco to its components. |
| Tobacco Use | : The different kinds of Tobacco Use by smoking or chewing or inhalation or absorption or any other way used for the purpose of smoking or Tobacco Use. |

- Advertising and promotion : The definition of Tobacco plant and its products using any of the print and audio-visual media directly or indirectly way, or any other way to encourage the trading and increase the number of users.
- Public Area : A place designated to receive the public or a certain category of people for any purpose.
- Enclosed Public Areas : A Public Area that has the form of a building and which is enclosed, thereby allowing air to enter through specifically designated locations only. Public Transport vehicles are deemed to be enclosed Public Areas.
- Public Transportations : The Buses, vehicles, trains, planes, ships and boats and any other way dedicated for the public transport.

Article (2)

Without prejudice to the provisions issued under other Laws, it is prohibited to bring Tobacco and its products into the UAE or trade any of it inside the UAE unless the conditions contained in the standard specifications of the UAE available.

Article (3)

The packaging of Tobacco or Tobacco Products must clearly contain phrases, images and cautionary statements as determined by the Executive Regulations of this Law.

Article (4)

No natural or juridical person shall advertise or promote or sponsor any of the Tobacco Products in any way aimed to encourage the use of Tobacco, as determined by the Executive Regulations of this Law.

No natural or juridical person shall print or publish an advertisement that aims to encourage the use of Tobacco.

No Tobacco Products shall be used as a way to advertise another product.

Article (5)

Any of the following acts shall be prohibited:

1. planting Tobacco for commercial purposes and manufacture its products within the State.

The currently existing farms and factories shall adjust their positions within the period prescribed by the Executive Regulations of this Law.

2. The sale or attempted sale of Tobacco or Tobacco Products to those under the age of 18 years old and the seller has the right to ask the buyer to provide evidence of having reached this age and does not accept the excuse of ignorance of the age.

3. Importing candy and games that are similar to Tobacco and Tobacco Products.

4. The sale or attempted sale of candy and games that are similar to Tobacco and Tobacco Products.

5. Smoking while driving a private car containing a child under the age of twelve years.

- In exception to the text of paragraph (1), and without prejudice to the International Conventions enforced in the State, the Cabinet may issue a resolution pursuant to which it authorizes the planting and manufacturing of tobacco, its products, its derivatives and the industries related to it inside the State, based upon a proposal by the Minister of Health and Prevention after coordinating with the Minister of Finance and the Minister of Industry and Advanced Technology, and the competent federal and local authorities; and such resolution shall determine all the terms and conditions and procedures to be followed when granting the planting or manufacturing authorization, including the health requirements, the fees for granting and renewing the authorization and the administrative and financial penalties imposed when violating the provision of this resolution.

Article (6)

Tobacco Products may only be on display and sold in designated areas as licensed by the Competent Authority, and the Executive Regulations of this Law determine the controls on the display and sale of Tobacco Products.

Article (7)

It is prohibited to smoke in an Enclosed Public Area.

With the exception of religious areas, educational institutions and health and sports corporations, the Competent Authority shall determine a special area for smoking in these areas according to the controls prescribed by the Executive Regulations of this Law.

Article (8)

It is prohibited to smoke in public areas prescribed by the Executive Regulations of this Law in coordination with the Competent Authority.

Article (9)

It is prohibited to allocate machines and mechanical equipment for the sale of Tobacco or its Tobacco Products for use within the UAE.

Article (10)

The Competent Authority, in the case of the importing of Tobacco or Tobacco Products which do not meet the specifications and the technical standard conditions adopted in the UAE, shall either destroy the seized materials in a manner which does not harm the environment or request that the importer export the Tobacco or Tobacco Products from the UAE at its own expense.

Article (11)

It is prohibited to license cafes or similar which provide any kind of Tobacco or Tobacco Products which are located inside residential buildings or within or adjacent to residential areas according to the distance prescribed by the Executive Regulations of this Law.

This regulation determines, after coordination with the Competent Authority, the areas that may be authorized to provide Tobacco or Tobacco Products and their working hours and the currently existing cafes or similar shall adjust their positions within two years from the date of implementation of the provisions of this Law by changing the activity or transfer to another area.

Article (12)

A committee shall be formed by a decision from the Council of Ministers called the National Committee for Anti-Tobacco. This decision determines the competences of the committee, the system of their work and the remuneration of their members.

Article (13)

Whoever violates any provision of the provisions of articles (2), (5/1), (5/3) and (9) of this Law shall be punished by imprisonment for not less than one year and a fine of not less than (100.000) one hundred thousand dirhams and not exceed (1.000.000) one million dirhams or either of these two penalties.

In case of repeated, the penalty shall be imprisonment for not less than two years and a fine of not less than (1.000.000) one million dirhams.

Article (14)

Whoever violates any provision of the provisions of articles (3) and (4) of this Law shall be punished by a fine of not less than (100.000) one hundred thousand dirhams and not exceed (1.000.000) one million dirhams.

The penalty may be doubled if the breach was repeated

Article (15)

Subject to what is stipulated in Article (10) of this Law, whoever does not comply to the order of the Competent Authority stipulated in this article shall be punished by a fine of not less than (50.000) fifty thousand dirhams and not exceed (200.000) two hundred thousand dirhams.

In case of repeated, the penalty shall be imprisonment for not more than one year and by a fine of not less than (200.000) two hundred thousand only.

Article (16)

Any other contravention of the provisions of this Law, the Competent Authority shall obtain an immediate fine of (500) five hundred dirhams paid against reconciliation for the incident.

In case of impossible to proceed reconciliation, the incident shall be referred to the criminal court and the penalty shall be a fine of not less than (3.000) three thousand dirhams and not more than (10.000) ten thousand dirhams.

The penalty shall be multiple whenever the contravention is multiple.

Article (17)

The court in case of a conviction, shall judge in addition to the penalties stipulated in this Law, to confiscate the seized materials and promotional materials and shall also judge to close the corporation.

Article (18)

Without prejudice to the penalties stipulated in this Law with any severe penalty stipulated by any other Law.

Article (19)

The Minister of Justice, in agreement with the Minister, and in coordination with the Competent Authority, shall issue a decision determining the staff who shall have the status of judicial officers in proving the violation of the provisions of this Law, regulations and decisions implementing it within the scope of competence of each of them.

Article (20)

The Council of Ministers shall issue the Executive Regulations of this Law.

Article (21)

Any provision contrary to or in contravention of the provisions of this Law shall be repealed.

Article (22)

This Law shall be published in the Official Gazette and shall come into force from the day following the date of publication.

Khalifa Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued in the Presidential Palace, Abu Dhabi

Corresponding 22 December 2009