

Appendix 2

Legislative, executive, administrative and other measures

Related documents:

- Resolution No 12/2000/NQ-CP: National Policy of Tobacco Control 2001 – 2010
- Direction No 08/2001/CT-BYT: On strengthening tobacco control in the health sector
- Direction No 36/2001/CT – BGD&ĐT: Strengthening tobacco control among pupils, students and staff in the education training sector
- Government Decree 76/2001/NĐ-CP: Regulating tobacco manufacturing and trading
- Direction No 14/2002/CT- BVHTT: Strengthening tobacco control in the culture and information sector
- Direction No 04/2002/CT-BTM: Strengthening the inspection and control on smuggling of foreign tobacco products
- Government Decree 66/2002/NĐ-CP: Regulation on the goods that could be brought in as duty-free (included tobacco products)
- Decree 175/2004/ND-CP on the fines for violations in the area of trade
- Direction No 02/2005/CT: Strengthening tobacco control in the transportation sector
- Government Decree 45/2005/NĐ-CP: fines for violations of health regulations
- Circular No 19/2005/TT-BVHTT: Guidelines for implementation of the advertising bans articles in the Ordinance on Advertisement and in the National tobacco control policy
- Government Decree 89/2006/NĐ-CP: regulating the printing of packages of goods

1. Reference for article 6.2 (b)

Government decree No 66/2002/NĐ-CP:

- Limit the minimum quantities of duty-free imported goods (Those aged under 18 are not entitled to this).
 - Cigarette: 400 sticks
 - Cigar: 100 sticks
 - Roll-your own: 500 gram

2. Reference for article 8.2 Protection from exposure to tobacco smoke:

2.1 in door places

Government Resolution No12/2000/NQ-CP:

- Article II 1. (e): Smoking not allowed in meeting rooms, offices building

2.2 government building:

2.3 health care facilities:

Government decree No 76/2001/NDD-CP

- Clause 20, item 2: Prohibit selling cigarette and other tobacco products in hospitals

Directive of Ministry of Health No 08/2001/CT-BYT

- Article 3.1 Require putting in place NO SMOKING signs in workplaces, clinic areas and patient's rooms
- Article 3.3. Prohibit selling tobacco products in canteens, foods and drinks shops in clinic sites.

2.4 educational facilities

Resolution No 12/2000/NQ-CP

- Article II.1 (e): Smoking not allowed in education facilities.

Government decree No 76/2001/NĐ-CP

- Term 20, item 2: Prohibit selling tobacco products in schools

Directive No 36/2001/CT – BGD&ĐT

- Require each school to setup the goals by the end of school year 2009-2010: Decreasing the smoking rate to less than 10% in male (school personnel), less than 1% in female (school personnel), and less than 2% in students. Implementing smoke free schools.

2.5 in public transport:

Directive No 02/2005/CT – BGTVT

- Article 2(c). SMOKING not allowed in public transportations
- Article 3. NO SMOKING signs be put in those places where smoking is banned

2.6 Cultural places

Directive No 14/2002/CT- BVHTT

Strictly implement smoke-free environment in public cultural places (theaters, cinemas, etc). Putting in places no-smoking signs in these places.

Government decree No 76/2001/NĐ-CP

- Clause 20, item 2: Prohibit selling cigarette and tobacco products in cinemas, theaters and public performance places

3. Reference for article 10. Regulation of tobacco product disclosures

Government decree No 76/2001/NĐ-CP:

- Clause, item 2: Cigarette and tobacco manufactures have to disclose the information on their products make sure that their products meet the Vietnam Quality Standards and meet the safety and hygiene standard for tobacco products issued by Ministry of Health.

4. Reference for article 15.2 (a)

Government decree No 89/2006/NĐ-CP

- Clause 5 item 1: require that domestic goods, exported and imported goods have to be labeled properly to clarify the origin of products

Government decree No 76/2001/NĐ-CP:

- Clause 14, item 1: Apply brand name and product information requirement with domestic goods, exported and imported goods in order to clarify the origin of products

Joint circular Ministry of Trade and Industry No 01/2007/TTLT-BCN-BTM

- Article III.5: Imported cigarettes and cigars shall comply with the regulation on printing labels on tobacco products sold in Vietnam; specify that the origin of the products and “it is intended to be sold in Vietnam”.

5. Reference for article 15.3

Government decree No 89/2006/NĐ-CP

- Clause 9: The compulsory contents required in the labels must be printed in Vietnamese language.

6. Reference for article 15.4 (b)

Government decree No 76/2001/NĐ-CP:

- Clause 20, item 2: Prohibit the selling of illicit tobacco products, products without proper labels, or label not compliant with the regulation of Vietnam.

Directive of Ministry of Trade No 04/2002/CT-BTM

- Strengthen the inspecting and control of illicit tobacco in the market;
- Organizing a special force for inspecting and controlling the transportation and storing of illicit tobacco.

7. Reference to article 15.7

Government decree No 76/2001/NĐ-CP:

- Clause 2, item 1: Government has the monopoly uniquely holds the tobacco industry and exercise the monopoly in producing and importing stick cigarettes; Only the regulated and conditioned manufactures are allowed to produce tobacco products.

8. Reference to article 16.1

Government decree No 76/2001/NĐ-CP:

- Clause 20, item 2: Ban on selling cigarette to children under the age of 18.

9. Reference to article 16.2.

Resolution No 12/2000/NQ-CP:

- Article II.1 (b): Banning activities to marketing tobacco products, including the hiring of people to offer cigarettes.

10. Reference to article 16.6

Government decree No 45/2005/NĐ-CP:

- Clause 16. Fines for violating the regulation in the area of tobacco control:
 1. Give warning or a fine from 50.000VND to 100.000VND (3 to 6 US\$) for one of the following behaviors: smoking in public places, selling cigarettes or rustic tobacco to children under the age of 16.
 2. Fine from 4 million VND to 6 million VND (US\$ 250 to 400) for violating the regulations of printing label and health warnings on tobacco products packages.
 3. Fine from 20 million VND to 30 million VND (US\$ 1,300 to 1,800) for producing and selling tobacco that has the Tar/Nicotine content higher than the permitted level.
 4. Measures to overcome consequences: force to carry on measures to overcome environmental pollution or disease spreading as a result of administrative violation

11. Reference for article 19.1

Decree No 76/2001/ND-CP

Clause 28 item 1: organizations or individuals who violates regulations on manufacturing and trading of tobacco products will, depend on the nature of the violations, be subjected to administrative or criminal penalties, and have to compensate for the damage caused.

12. Reference for article 9 - Regulation of the contents of tobacco products

Decision of Ministry of Health No 2019/2000/QĐ-BYT:

- Cigarettes needs to meet the hygiene requirements as following: Tar content not exceed 2,4mg/per one stick; Nicotine content not exceed 2,2mg/per one stick

13. Reference for article 11. Packaging and labeling of tobacco products

13.1 Reference for article 11.1(b)

Government decree No 89/2006/NĐ-CP

- Clause 12 item 5(c): Require that cigarette packages have to print information on health warnings and other information on the hygiene and safety.

13.2 Reference for article 11.1 (b)(i)

Government decree No 76/2005/NĐ-CP:

- Clause 13 item 2: The content of health warnings must be printed on the container, according to the regulation issued by Ministry of Health

13.3 Reference for article 11.3.

Government decree No 76/2005/NĐ-CP:

- Clause 13 item 2: The content of health warnings must be printed in Vietnamese

14. Reference for article 13. Tobacco advertising, promotion and sponsorship

14.1 Reference for article 13.2

Resolution No 12/2000/NQ-CP:

- Article II.1(b): Ban all forms of tobacco advertising.

14.2 Reference for article 13.4 (c)

Government decree No 76/2005/NĐ-CP

- Clause 20, item 5. Prohibit tobacco promotion activities, including hiring marketing staffs to offer cigarettes and printing tobacco brand names or logos in the publications or transportation means.
- Clause 20, item 6. Prohibit tobacco sponsorship for organizing culture, sport or art activities that includes tobacco advertising.

Revised Trade Law 2005: Complete ban of all forms of tobacco advertising and promotion.