

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE-LAW No. 2006

HEALTH WARNING LABELS AND TAX CONTROL OF MANUFACTURED TOBACCO PRODUCTS

Considering that smoking is a serious health risk and that it is the responsibility of the Government to ensure the wellbeing of the citizens through the use of internationally adopted health warning labels;

Taking into account the national interest in the fight against tax fraud, particularly with respect to the smuggling of manufactured tobacco products;

Considering that failure to pay taxes on cigarettes causes distortions in commercial competition, benefiting dishonest traders to the detriment of tax payers;

Considering that one of the practical means of identifying smuggled cigarette packages is through specific wordings and labels printed on boxes and packages;

Pursuant to paragraph 115.1(e) and 116(d) of the Constitution of the Republic, the Government enacts the following, to have the force of law:

Article 1

Products covered by this decree-law

Subject to the provisions of this decree-law are all packaged, manufactured tobacco products, namely cigarettes and cigars, pipe tobacco and thinly cut tobacco for wrapping cigarettes.

Article 2

Health warning labels on cigarette packages

Health warning labels shall be individually and visibly printed on both the front and back side of every cigarette box and package, right below or above the product trade mark, with letters in a colour contrasting with the background of the box or package and covering a surface equivalent to the size of the producer's trade mark.

Article 3

**Health warning labels on packages of pipe tobacco
or of tobacco for wrapping cigarettes or cigars**

1. Health warning labels are individually and visibly printed on both the front and back side of every tobacco package or bag, right below or above the product trade mark, with letters in a colour contrasting with the background of the package or bag.

2. Importers may request that warning labels be placed in the form of a sticker, under the same conditions, whenever the quantities thereof can justifiably be considered small.

3. The request referred to in subarticle 3.2 shall be made prior to customs clearance and filed with the Customs Controller of Timor-Leste or to any other person to whom the latter may have delegated competence to do so.

Article 5 **Compulsory words**

1. Importers must print, in the Portuguese or Tetum languages, at least one of the following health warnings:

- (a) “Smoking kills”;
- (b) “Smoking is a health risk”;
- (c) “Smoking causes cancer”;
- (d) “Smoking while pregnant hurts the baby”;
- (e) “Smoking causes sexual dysfunction”.

2. Similar wordings, with the same meaning, which do not exactly match those indicated in subarticle 5.1 may be used insofar as these are authorised by the Minister of Planning and Finance prior to tobacco products being placed on sale to the public.

Article 5 **Failure to comply**

1. Failure to print compulsory warning labels and wordings on any type of individual package or bag as referred to above is presumed to be a tax and customs offence under Decree-Law No. 10/2004 approving the Legal Regime on Tax and Customs Offences in Timor-Leste, in which case the tobacco products in question shall be forthwith seized until such a time as any taxes or duties due are paid.

2. In case the offender fails to pay the administrative penalty provided in subarticle 5.1 within thirty (30) days, the goods shall be considered forfeited to the state.

Article 6 **Entry into force**

This decree-law shall come into force 60 days after its date of publication.

Approved by the Council of Ministers on the 25th January 2006.

The Prime Minister

[Signed]
(Mari Bim Amude Alkatiri)

The Minister of Planning and Finance

[Signed]

(Maria Madalena Brites Boavida)

The Minister of Health

[Signed]

(Rui Maria de Araújo)

Promulgated on the 3rd day of March 2006.

To be published.

The President of the Republic

[Signed]

(Kay Rala Xanana Gusmão)