

Having regard to the opinion of the Minister of State Property and Land Affairs,

Having regard to the opinion of the Administrative Court.

Decreases the following :

Article one - Is approved, the contract of concession annexed to the decree herein, signed on 20 May 2009 between the merchant navy and ports office represented by the chairman and managing director on the one hand and the Tunisian company of pneumatic industries, represented by the chairman and managing director on the other hand and relating to the exploitation of a parcel of land falling within the remit of the harbour public domain of the commercial seaport of Bizerte-Menzel Bourguiba (Menzel Bourguiba basin) of a surface of 26019m², as delimited in the plan annexed to the contract.

Is also approved, the specifications annexed to the decree herein.

Art. 2 - The Minister of Transport and the Minister of State Property and Land Affairs, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 14 September 2009.

Zine El Abidine Ben Ali

MINISTRY OF PUBLIC HEALTH

Decree n° 2009-2611 dated 14 September 2009, completing decree n° 98-2248 dated 16 November 1998, fixing the places for collective use in which it is prohibited to smoke.

The President of the Republic,

On a proposal from the Minister of Public Health,

Having regard to law n° 59-147 dated 7 November 1959, governing the drinking establishments and similar establishments, all amending and completing texts and notably law n° 2004-75 dated 2 August 2004, deleting the authorizations and reviewing the administrative requirements relating to certain commercial, tourism and leisure activities,

Having regard to law n° 98-17 dated 23 February 1998, relating to the prevention of the nicotine damage and notably article 10,

Having regard to decree-law n° 73-3 dated 3 October 1973, relating to the control of the tourism establishments management, ratified by law n° 73-58 dated 19 November 1973, all amending or completing texts and notably law n° 2006-33 dated 22 May 2006, simplifying the procedures in the field of the administrative authorizations relating to the tourism sector,

Having regard to decree n° 98-2248 dated 16 November 1998, fixing the places for collective use in which it is prohibited to smoke,

Having regard to the opinion of Minister of the Interior and Local Development,

Having regard to the opinion of the Minister of Trade and Handicrafts,

Having regard to the opinion of the Minister of Tourism,

Having regard to the opinion of the Administrative Court.

Decreases the following :

Article one - Are added to the provisions of decree n° 98-2248 dated 16 November 1998, referred to above, articles 5 (bis), 5 (ter) and 5 (quater) as follows :

Article 5 bis - It is prohibited to smoke in the restaurants whose surface of their closed buildings does not exceed 50m² and in the drinking establishments of first category known as refreshment bars, except if the sites reserved to the smokers in these buildings are arranged without the surface of these sites may exceed 15 m².

The restaurants whose surface of their closed buildings exceeds 50m², the drinking establishments of first category known as coffees or tea lounge as well as the drinking establishments of second and third category shall arrange sites reserved to the non smokers in these buildings. The surface of these sites is equal at least to 50% of the total surface of the closed spaces for collective use of the building.

The provisions of this article do not apply to the tourism establishments providing food or drink services.

Article 5 ter - The tourism establishments providing food or drink services shall reserve a part which is equal at least to half of the surface of the buildings and closed spaces for the collective use of the non smokers.

Article 5 (quater) - The closed spaces reserved to the smokers in the tourism establishments providing food or drink services, in the restaurants and the drinking establishments mentioned in article 5 (bis) of the decree herein, shall be equipped with a system of the polluted air aspiration to outside.

Insulating physical separations shall be installed in order to avoid the propagation of the polluted air in the sites reserved to the non smokers. The signaling of these sites shall be sufficiently apparent.

Art. 2 - The provisions of the decree herein shall come into effect six months after the date of its publication in the Official Gazette of the Republic of Tunisia.

Art. 3 - The Minister of Public Health, the Minister of the Interior and Local Development, the Minister of Trade and Handicrafts and the Minister of Tourism shall, each in his respective capacity, implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 14 September 2009.

Zine El Abidine Ben Ali