

**Article 23**

This Law comes to power 6 months after being published in the "Official Gazette," while execution of article 6 of this Law extends its effects from the 1 January 2009.

**PRESIDENT**

**JOZEFINA TOPALLI**

*(Coat of Arms)*

*(Seal)*

**REPUBLIC OF ALBANIA**  
**Council of Ministers**

**DECISION**

No. 513 , dated 19.7.2006

**ON**

**PROPOSAL OF BILL "ON HEALTH PROTECTION FROM  
TOBACCO PRODUCTS"**

On the strength of articles 81, item 1, and 100 of the Constitution, by the proposal of Minister of Health, Council of Ministers

**DECIDED :**

Proposal of the bill "On health protection from tobacco products," for examination and approval in the Assembly of Republic of Albania, according to the text and report that are attached to this decision.

This decision comes to force immediately.

**PRIME MINISTER**  
*(Signature)*

**SALI BERISHA**

**MINISTER OF HEALTH**

**MAKSIM CIKULI**  
*(Signature)*

*(Seal)*

*(Coat of Arms)*

**REPUBLIC OF ALBANIA  
ASSEMBLY**

**BILL**

No. \_\_\_\_\_, dated \_\_\_\_\_  
ON

**HEALTH PROTECTION FROM TOBACCO PRODUCTS**

On the strength of articles 78 and 83, item 1, of the Constitution, by the proposal of the Council of Ministers, the Assembly of Republic of Albania

**DECIDED:**

**ARTICLE I**

**GENERAL PROVISIONS**

**Article I  
Purpose**

Purpose of this law is protection of public health from the use of tobacco products and involuntary exposure to their smoke.

**Article 2  
Object**

Object of this law are:

- a) definition of measures for restricting the use of tobacco products and protection of the public from dangers by involuntary exposure to their smoke;
- b) definition of measures that create premises for making aware the public on damages of tobacco and guaranteeing effective and continuous information of users of tobacco products on this damages;

- c) definition of measures to prevent the start, encourage and support interruption of use and decrease the consumption of tobacco products.

### **Article 3** **Definitions**

For purposes of this law, the following terms have this meaning:

1. **“Tobacco products”** implies products produced, completely or partly, from the tobacco leaf as raw material and that are used to be smoked, draw in, chew or sniff.
2. **“Box or package”** implies any closed box or bag that contains tobacco products and that are retailed.
3. **“Tar”** implies condensation, dry and not diluted, without nicotine, of smoke that is released during smoking.
4. **“Nicotine”** implies poisonous nicotinic alkaloids that are found in tobacco smoke and that act in nervous system.
5. **“Carbon monoxide”** implies a chemical substance that is produced during burning and releases with tobacco smoke.
6. **“Trading of tobacco products”** implies the import and export of tobacco products, and depositing for selling and buying purposes.
7. **“Smoking”** implies lighting, drawing in and holding in hand of any tobacco product that is burning.
8. **“Advertising of tobacco products”** implies any form of communication, recommendation or commercial action that affects in promoting a tobacco product or in encouraging the use of tobacco, in direct or indirect way, including also sponsoring or image of a tobacco product, mentioning the name or trademark, etc.

9. **“Trademark”** implies the distinctive sign that is placed to tobacco products in order to indicate their kind, quality and producer, where names, letters, numbers, figurative signs, combination of colors or their shades, as well as their mixture are included.
10. **“Tobacco sponsoring”** implies any form of contribution to an event, cultural or sport activity, or an individual that leads or may lead to promotion or use of tobacco products, in direct or indirect way.
11. **“Tobacco promotion”** implies any kind of activity, event or action that has as a purpose knowing the public about new tobacco products that are put on market or will be put on market.
12. **“Public environment”** implies a closed environment, destined for public stay, such as rooms in buildings, where it is foreseen to be developed activities in the field of health, social welfare, education and training, commerce, sport, food, art and culture, as well as waiting rooms, conference rooms, halls for gathering of the public, rooms of lecture, means of public transport, elevators, etc.
13. **“Work environment”** implies any closed space, where workers exercise the activity or tasks, for which they have been employed, as well as meeting rooms, corridors, staircases, elevators, toilet rooms and any other closed environment that is frequented during working hours.
14. **“Tobacco ashtray/ cigarette ashtray”** implies a small vessel, where the ash of burning tobacco product is flipped off and where cigarette butts are left.
15. **“Preventing measures of smoking”** implies systematic activities that aim to ensure protection of health of population, prolonging the life and improving its quality.
16. **“ICHTP”** is the Inter-sector Committee for Health Protection from Tobacco Products.
17. **“ISO” (International Standards Organization)** – implies a system of references, according to which specifications and criteria are established that should be applied, continuously, during classification of materials in industry and products supply, testing and analysis, terminology and services offer.

## CHAPTER II

### OBLIGATORY HEALTH WARNINGS IN TOBACCO PRODUCTS

#### Article 4

In every unit of box or package of tobacco products should appear warning messages on damages that use of tobacco causes. These messages should be written in Albanian language, in a clear, visible and readable way. They should occupy 50 percent or more of the displayed surface, but not less than 30 percent of the main side.

Form and text of messages are defined by the ICHPTP and are reformulated periodically.

#### Article 5

1. In boxes and packages that contain tobacco products should also appear written in Albanian language:

- a) Name of product;
- b) Name and address of producer;
- c) Number of parts of tobacco products in the box or package;
- d) Quantity of nicotine in the smoke;
- e) Quantity of tar in the smoke;
- f) Quantity of carbon monoxide in the smoke.

2. If the product is not packaged by its producer, the box should contain also the name of packager. The data mentioned in items 1 and 2 of this Article should occupy 10 percent of the external surface of the box and be placed on its lateral sides.

3. It is prohibited production in the country, import and trading of tobacco products that contain more than:

- 10 mg tar for cigarette
- 1 mg nicotine for cigarette
- 10 mg carbon monoxide

Tests on quantity of tar, nicotine and carbon monoxide should be carried out in laboratories accredited by relevant authorities, basing on standards of ISO.

#### **Article 6**

It is prohibited writing on boxes or packages of tobacco products of expression such as: "of low tar content," "light," "ultra light," "soft" or terms, signs, photos, drawings and other similar elements that aim to create the wrong impression that a tobacco product is less harmful for the health than other products.

#### **Article 7**

The Ministry of Health has the obligation to announce the public on levels of tar, nicotine and carbon monoxide in production of tobacco products, their influence on the health, as well as every effect that causes or is believed to cause addiction to tobacco product.

#### **Article 8**

Producers and/or importers of tobacco products are obliged to present at the Ministry of Health, regarding tobacco products that circulate in the local market, as well as any case when it is put on the market by them a new tobacco product, a list of all components used in manufacturing of the tobacco product and their quantities, the reason or purpose of use of these components, as well as to define functioning and category of components. This list should be accompanied by toxicological data, available by the producer or importer, regarding these components, in burned or unburned form, expressing in a special way their effects on the health and assessing every effect that causes and is believed to cause addiction of the user to tobacco product.

### **CHAPTER III**

#### **RESTRICTING MEASURES FOR USING TOBACCO PRODUCTS**

#### **Article 9**

It is prohibited selling or supply, for trading purposes, of tobacco products to persons under the age of 18 years.

All selling posts should be equipped with a shop sign, visible and readable, where be written "It is prohibited selling of tobacco products to persons under the age of 18 years."

#### **Article 10**

It is prohibited selling of tobacco products:

- a) in health institutions
- b) in educational institutions
- c) in sport institutions
- d) in automatic selling machines
- e) through self-service
- f) in street by ambulant salesmen
- g) through postal service

#### **Article 11**

It is prohibited the retail of tobacco products non-packaged or with damaged packaging.

#### **Article 12**

It is prohibited free offer of tobacco products by subjects that produce, import or trade them.

### **CHAPTER IV**

#### **ADVERTISING, PROMOTION AND SPONSORING**

#### **Article 13**

It is prohibited advertising and promotion of tobacco products, by means of written media, television and radio broadcasting, services of information societies. It is prohibited advertising and promotion of any other kind and form of tobacco products.

It is prohibited, for advertising purposes, publication of photos, drawings, etc., in which appear persons who smoke, and of images that create a wrong

impression to the public on characteristics of tobacco products, effects of their use in the health, and dangers and/or damages.

It does not constitute advertising and promotion of tobacco products technical books, magazines and other professional publications on tobacco.

#### **Article 14**

It is prohibited sponsoring of radio and television programs and any other activity by companies that have as object of their activity production, import or trade of tobacco products and when this sponsoring has as its purpose promotion or advertising of tobacco products.

### **CHAPTER V**

#### **PROTECTION FROM INVOLUNTARY EXPOSURE TO TOBACCO SMOKE**

#### **Article 15**

It is prohibited smoking in:

- a) work environments;
- b) health institutions, with the exception of mental health institutions (only for patients);
- c) educational institutions;
- d) means of public transport;
- e) commercial environments, bars, restaurants, discos, and night clubs;
- f) other public environments.

In the above environments/ institutions, an internal regulation is issued, where it is emphasized prohibition of smoking tobacco in these environments and it is defined clearly the person who will be responsible in cases of violating this prohibition by each person.

#### **Article 16**

The owner or administrator of environments, defined in the Article 15 of this law, or the appointed person by them, is responsible for placing visible signs

that show that smoking tobacco in these environments is prohibited, as well as take off and not permit placing of ashtrays in these environments.

## CHAPTER VI

### ORGANIZATION OF STRUCTURES OF HEALTH PROTECTION FROM TOBACCO PRODUCTS

#### Article 17

In the Ministry of Health, the Inter-sector Committee for Health Protection from Tobacco Products (ICHPTP) is established. Head of ICHPTP is the Minister of Health.

Way of organization, functioning, constitution, as well as level of remuneration of members of Committee is defined by a decision of the Council of Ministers.

#### Article 18

The ICHPTP is responsible for:

- a) orientation of policies and strategy for health protection of the public from tobacco products.
- b) revision of acts in force for health protection of the public from tobacco products and proposal for improvement of the law.
- c) proposal of programs and projects in order to ensure decrease of use of tobacco products and health protection of citizens, monitoring and assessing of these programs and projects.
- d) orientation of sources toward programs and projects that aim at decrease of use of tobacco products and health protection from them.
- e) ensuring the cooperation with institutions, governmental and non-governmental, within and outside the country, on policies of tobacco control.
- f) presentation of annual reports at the parliamentary commission of health.

## CHAPTER VII

### CONTROL, MONITORING OF EXECUTION OF THE LAW AND ADMINISTRATIVE TRANSGRESSIONS

#### Article 19

Control for execution of:

- articles 4, 5, and 6 is the responsibility of the State Sanitary Inspectorate, customs administration and Tax Police. In cases when these institutions develop joint controls, they should coordinate the work for this purpose.
- article 9 is the responsibility of Tax Police.
- letters "a", "b" and "c", of the article 10, is the responsibility of State Sanitary Inspectorate, while of letters "d", "e" and "f" of the same article is the responsibility of Tax Police.
- articles 11, 12, 13 and 14 is the responsibility of Tax Police.
- articles 15 and 16 is the responsibility of the State Sanitary Inspectorate, municipal or communal police, according to their territory of jurisdiction. In cases when they develop joint controls, they coordinate the work for this purpose.

The State-Sanitary Inspectorate, which acts on the strength of the law No. 7643, dated 2.12.1992, "On the State Sanitary Inspectorate" is charged for changing, monitoring and execution of this law.

#### Article 20

Transgression of provisions of this law, when they do not constitute a penal act, constitute administrative transgression and are sentenced as follows:

- a) Transgression of articles 4, 5, items 1, letters "d", "e" and "f", and 3 and 6, is sentenced by confiscation, disposal of merchandise and 5,000,000 (five million) leks of fine, according to the case, for the importer of product or the local producer;
- b) Transgression of article 9 is sentenced by confiscation of tobacco products and 100,000 (one hundred thousand) leks of fine, for the subject of wholesale or retail of tobacco products;

- c) Transgression of article 10 is sentenced by confiscation of tobacco products and 100,000 (one hundred thousand) leks of fine, according to the case, for the subject of retail or owner of activity envisaged in letters "d", "e" and "f" of article 10;
- d) Transgression of article 11 is sentenced by confiscation of tobacco products and 20,000 (twenty thousand) leks of fine, for the retailer.
- e) Transgression of article 12 is sentenced by confiscation of tobacco products and 100,000 (one hundred thousand) leks of fine, according to the case, for the producing, importing or trading subject that has made the transgression.
- f) Transgression of article 13, first and second paragraph, is sentenced by 3,000,000 (three million) leks of fine, for the owner of advertising activity, written media, television and radio broadcasting or services of information society
- g) Transgression of article 14 is sentenced by 3,000,000 (three million) leks of fine for the producing, importing or trading subject of tobacco products that has made the transgression.
- h) Non-fulfillment of obligations envisaged in the first paragraph of article 16 by the owner/ administrator or the responsible person appointed by them is sentenced by 50,000 (fifty thousand) of leks fine for the owner/ administrator of environments or the person appointed by them.

Sanctions for administrative transgressions, envisaged above, are executed immediately. Complaint against them is done in conformity with the Law No. 7697, dated 7.4.1993, "On administrative transgressions," changed.

#### **Article 21**

The third paragraph of the article 19/a, and the third paragraph of the article 19/b, of the Law No. 8691, dated 16.11.2000, "On production and trading of tobacco and cigarettes," changed, are abrogated.

#### **Article 22**

The Council of Ministers is charged that in execution of articles 17 and 19, to issue sub-legal acts in execution of this Law.