

Law

No. 49/2013,

“ON SOME AMENDMENTS AND ADDITIONS TO THE LAW NO. 9636, DATED 06.11.2006

“ON THE PROTECTION OF PUBLIC HEALTH FROM TOBACCO PRODUCTS”

Based on Article 78 and 83 paragraph 1 of the Constitution, as proposed by the Council of Ministers,

**THE PARLIAMENT OF THE
REPUBLIC OF ALBANIA
DECIDED:**

Within the law no. 9636, dated 6.11.2006 “On the protection of public health from tobacco products”, the following amendments and additions are made: 1252

Article 1

The term “Taxation police” is replaced with the term “Taxation bodies” in the entire text.

Article 2

The following changes are made in Article 3:

1. Paragraph 12 is amended as follows:

“12. “Public space” is any location that is open to the public”.

2. At the end of paragraph 13, the phrase “that are used during working hours” is deleted.

3. After paragraph 17 another paragraph 18 is added with the following content:

“18. “Closed space” means:

a) A space with a ceiling or roof, doors, windows or hallways that may remain open or closed and is fully bordering permanent or temporary walls;

b) A space with a ceiling or roof, doors, windows or hallways that may remain open or closed and is bordering permanent or temporary walls, which have a permanent opening, that may not be opened or closed, with an area size lower than 50 percent of the total size of the walls.”

Article 3

The following amendments are made at Article 4:

1. At first paragraph, after the term “warning”, the phrase “in text and/or figure” is added.

2. At last paragraph, the term “text” is replaced with the term “content”.

Article 4

In Article 15, letter “dh” is amended as follows:

“dh) Other closed public spaces.”

Article 5

At the end of Article 16 the following sentence is added:

“The format and text of the warning signs is determined by KNMSHPD”.

Article 6

The following changes are made to Article 19:

1. The term “State health inspector” is replaced with the term “Inspectional Services responsible for public health”

2. After the last paragraph a new paragraph with the following content is added:

“The monitoring and supervision bodies, as determined in this Article, will verify compliance with legal requirements arising out of and in conformity with this law and law no. 10 433, dated 16.6.2011 “On inspections in the Republic of Albania”.

The following amendments are made to Article 20:

1. Letters “c” and “e” are amended as follows:

Unofficial Translation

“c) Violations of Article 10 are punishable by confiscation of tobacco products and with a fine of 100 000 (one hundred thousand) leks, on a case by case basis, against the retail merchant or the owner of the planned activity; 1253

ë) Non-compliance with obligations provided for in Articles 15 and 16 by the owner / administrator or the person designated as responsible by them is punishable with a fine of 50 000 (fifty thousand) leks against the owners / administrator or the person designated by them”.

2. After letter “ë” a new paragraph with the following content is added:

“Confiscation and destruction [of goods] are deemed as primary punishments, whereas fines are deemed as primary punishments where they are provided for as a separate punishment, and are deemed as corollary punishment where they are given simultaneously with the punishment of confiscation and destruction”.

3. The last paragraph is amended as below: “The decisions of the inspectors responsible for public health are appealed in conformity with the Law on Inspections, whereas complaints against taxation or customs bodies, as well as against Municipal Police or commune are made according to the laws in force”.

Article 8

Transitory provisions

The existing inspectional bodies continue to exercise their functions according to the present structure until the setting up of the new structures, as provided for in the amendments made through this law.

Article 9

This law enters into effect 15 days after its publication in the Official Gazette.

Approved on 14.2.2013.

Promulgated by Decree No. 8008, dated 1.3.2013 of the President of the Republic of Albania,

Bujar Nishani