

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 , 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 enters in force immediately.

PRIME MINISTER
(signature)

SALI BERISHA

MINISTER OF HELTH

MAKSIM CIKULI
(signature)

**REPUBLIC OF ALBANIA
ASSEMBLY**

BILL

No_9636__, dated _6.11.2006_____

ON

HEALTH PROTECTION FROM TOBACCO PRODUCTS

BASED ON THE ARTICLES 78 AND 1, OF THE Constitution, at the proposal of the Council of Ministers, the Parliament of Republic of Albania

**DECIDED
CHAPTER 1**

ARTICLE 1

GENERAL PROVISION

Article 1

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) defining of measures for restricting the use of tobacco products and protection of the public from dangers by involuntary exposure to their smoke.
- b) defining of measures that create premises for making the public aware about the harm of tobacco and guaranteeing of an effective and continuous information of users of tobacco products for this harm.
- c) defining of measures to prevent the start, to encourage and support interruption

of use and reduce the consumption of tobacco products.

Article 3

Definitions

For purposes of this law, the following terms mean:

1. **“Tobacco products”** implies products completely or partly, produced, from the tobacco leaf as raw material and that are used to be smoking, inhaling , chewing or sniffing.
2. **“Box or package”** implies any classed box or bag that contains tobacco products and that are sold in retail..
3. **“Tar”** implies dry and not diluted condensation,, without nicotine, of smoke that is released during smoking.
4. **“Nicotine”** implies poisonous nicotine alkaloids that are found in tobacco smoke and that act on the nervous system.
5. **“Carbon monoxide”** implies a chemical substance that is produced during burning and and released with tobacco smoke.
6. **“Marketing (trade) of tobacco products”** implies the import and export of tobacco products, and storage for selling and buying purpose.
7. **“Smoking”** implies lighting, inhaling 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 has an impact on the promotion of a tobacco product or on the encouraging the use of tobacco, in a direct or indirect way, including also sponsoring or image of tobacco product, by mentioning the name or trademark, ect.
9. **“Trademark”** implies the distinctive sign that is placed on tobacco products in order to indicate the type, quality and their producer, which includes names, letters, numbers, figurative signs, combination of colors or their hues, as well as their combination.
10. **“Tobacco sponsoring”** implies any form of direct or indirect contribution to an event, cultural or sport activity .
11. **“Tobacco promotion”** implies any kind of activity, event or action that aims at making known to the public the new tobacco products that are put on

or will be put on market.

12. **“Public environment”** implies a closed environment, meant for public to stay, such as rooms in buildings, foreseen for 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, ect.
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, by prolonging its life and improving its quality.
16. **“ICHPTP”** is the Inter-sector Committee for Health Protection from Tobacco Products
17. **“ISF”** (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 use and services provision.

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 the harm that of tobacco uses causes. These messages should be written in Albanian language, in clear, visible and readable way. They should occupy 50% or more of the displayed surface, but not less than 30% of the main side.

From 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 and 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 packed by its producer, the box should contain also the name of packager. The data mentioned in points 1 and 2 of this Article should occupy 10% of the external surface of the box and be placed on its lateral sides.
3. It is prohibited production in 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, based on ISO standards.

Article 6

It is prohibited to write on boxes or packages of tobacco product 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 inform the public on the levels of tar, nicotine and carbon monoxide in tobacco products, on their influence on the health, as well as on every effect that causes or is believed to cause addiction to tobacco products.

Article 8

Producers and/or importers of tobacco products are obliged to present to the Ministry of Health, for the tobacco products that circulate in the domestic market, as well for any case when they put a new product in the market, a list of all components used in manufacturing of the tobacco product, their quantities, the reasons 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, by explaining in a special way their effects on the health and taking into consideration 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 supplying, 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 should be written “It is prohibited selling of tobacco products to persons under the age of 18 years.”

Article 10

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

Article 12

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

CHAPTER IV

ADVERTISING, PROMOTION AND SPONSORING

ARTICLE 13

Advertising and promotion of tobacco products, by means of written media, television and radio, services of information societies is forbidden . Advertising and promotion of any other kind and form os tobacco products. is forbidden.

It is prohibited, for advertising purposes, the publication of photos, drawings, ect..., which show persons who smoke, and of images that create a wrong impression to the public about the characteristics of tobacco products, the effects of their use in the health, and dangers and/harm.

Technical books, magazines and other professional publication on tobacco. do not constitute advertising and promotion of tobacco products

Article 14

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

CHAPTER V

PROTECTION FORM INVOLUNTARY EXPOSURE TO TOBACCO SMOKE

Article 15

Smoking is forbidden in:

- a) working 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 the prohibition of smoking tobacco in these environments is emphasized and it is clearly defined the person responsible in cases of violating this prohibition by anybody.

Article 16

The owner or administrator of environments, as defined in the article 15 of this law, or the person appointed by them, is responsible for placing visible signs that show smoking in these environments is prohibited, as well for removing and not permitting to place 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 for Health Protection from Tobacco Products (ICHPTP) is established. Head of ICHPTP is the Minister of Health.

Organization, functioning, constitution, as well as level of remuneration of members of Committee is defined by a decision of the Council of Minister.

Article 18

The ICHPTP is responsible for:

- a) orienting 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 reduction the 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 reduction of use of tobacco products and health protection from them.
- e) Ensuring the cooperation with institutions, governmental and nongovernmental, within and outside the country, on policies of tobacco control.
- f) Presentation of annual reports to the Parliamentary Commission of Health.

CHAPTER VII

CONTROL, MONITORING OF IMPLEMENTATION OF THE LAW AND ADMINISTRATIVE TRANSGRESSIONS

Articles 19

Control for the implementation of:

- articles 4, 5, and 6 are under 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, are under the responsibility of the State Sanitary Inspectorate, municipal or communal police, according to their territory of jurisdiction. In cases they develop joint controls, they coordinate the work for this purpose.

The State Sanitary Inspectorate, which acts based on the law No.7643, dated 02.12.1992, “On the State Sanitary Inspectorate”, amended, for monitoring and implementing of this law.

Article 20

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

- a) Violation of articles 4, 5, items 1, letters “d”, “e”, and “f”, and 3 and 6, are penalized with confiscation, disposal of merchandise and 5,000,000 (five million) leks of fine, according to the case, for the importer of product or the domestic producer
- b) Violation of article 9 is penalized by confiscation of tobacco products and 100,000 (one hundred thousand) leks of fine, for wholesale or Retail-sale subject of tobacco products
- c) Violation of article 10 is penalized with 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 under letters “d”, “e” and “f” of article 10
- d) Violation of article 11 is penalized with confiscation of tobacco products and 20,000 (twenty thousand) leks of fine, for the retailer
- e) Violation of article 12 is penalized with 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) Violation of article 13, first and second paragraph, is penalized 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 company.
- g) Violation of article 14 is penalized with 3,000,000 (three million) leks of fine for the producing, importing or trading subject of tobacco products that has made the transgression.
- h) Failure of obligation set forth in the first paragraph of article 16 by the owner/ administrator or the responsible person appointed by them is penalized with 50,000 (fifty thousand) of leks fine for the owner/ administrator of environments or the person appointed by them.

Sanction for administrative transgressions, as foreseen above, are executed immediately. Appealing against them is done in conformity with the Law No. 7697, dated 07.04.1993, “On administrative transgression” amended..

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 marketing of tobacco and cigarettes” changed, are abrogated.

Article 22

The Council of Ministers in accordance with articles 17 and 19 is charged with issuing of by-laws for the implementation of this Law.

Article 23

This Law enter into force 6 months after being published in the “Official Gazette” while execution of article 6 of this Law become effective as of 1 January 2009.

**SPEAKER
JOZEFINA TOPALLI**