

LAW
ON THE BAN ON ADVERTISING
OF TOBACCO PRODUCTS

I - MAIN PROVISIONS

Article 1

The present Law shall stipulate the ban on the advertising of tobacco products with the view to reducing the consumption of the said products and improving public health.

Article 2

In the sense of the present Law, the term tobacco means the tobacco plant as set out in the Law on tobacco, pertaining to crude tobacco, dried tobacco, and all tobacco products originating from the aforementioned plants. The term tobacco products, in the sense of the present Law, means: cigarettes, cigars, cigarillos, tobacco for smoking, tobacco for snuffing, tobacco for sucking, tobacco for chewing, as well as all other products originating from tobacco. Advertising, in the sense of the present law, means all forms of commercial communication aimed directly or indirectly, at publicising or in any way promoting tobacco products. The term includes advertising of products other than tobacco, where such products encourage the consumption of tobacco products by their form, logotype, or purpose. Advertising of tobacco and tobacco products, in the sense of the present law, includes amongst others, the presentation of celebrities (political, cultural, sports, musical and others) live, on television, in photographs and other media, where tobacco or tobacco products can be seen in the background or in the vicinity. Sponsoring, in the sense of the present Law, means all forms of public or private financial contribution, to any individual, event, or activity, with the view to directly or indirectly promoting tobacco products.

II - BAN ON ADVERTISING OF TOBACCO PRODUCTS

Article 3

The advertising of tobacco and tobacco products is banned except in the circumstances as envisaged in Article 5 herein.

Article 4

Advertising of tobacco and tobacco products shall be prohibited:

- 1) in printed media, such as newspapers, magazines, books, calendars as well as all other printed media,
- 2) on radio programmes,
- 3) on television and in films,

- 4) through sponsoring, including cultural, sports and other public events,
- 5) in other media and methods which may be used for advertising such as advertising displays, illuminated advertisements, clothing, gifts, vouchers, discount schemes, competitions or fidelity schemes, as well as free distribution of tobacco products. Manufacturers of tobacco products shall label each pack of their product with the following inscription "Advertising of this product is prohibited".

III - EXCEPTIONS TO THE BAN ON ADVERTISING

Article 5

Publication of information in expert books, magazines and other publications designed for professional training, technical and technological perfection of the production of tobacco products, shall not be construed as advertising in the sense of the present Law.

IV - ENFORCEMENT

Article 6

Enforcement of the present Law shall be entrusted to the health and sanitary and trade inspectorate of the Republic of Srpska. The sanitary inspectorate shall oversee the implementation of Articles 3 and 4 herein. The trade inspectorate shall be authorised to oversee the implementation of Articles 5 and 6 herein. Where breaches of the present law shall be found by a sanitary or a trade inspector, he/she shall issue a ban on advertising of tobacco products. Where the inspector shall also find tobacco or tobacco products with the advertisement, he/she shall confiscate the same. Appeals against the aforementioned ban shall not invoke postponement of the imposition of the ban.

V - FINES

Article 7

Companies found advertising tobacco and tobacco products in breach of the present law, shall be liable to pay a fine of KM 5,000 to 15,000, whilst the person responsible within the legal entity shall be liable to pay a fine of KM 100 to 200. Responsible persons in an administrative body who shall approve the installation of an advertisement shall be liable to pay a fine of KM 100 to 200.

Article 8

In addition to the fines envisaged in the previous Article, a company or a legal entity may be imposed a protective prohibition on the sale of tobacco products for

a period from three to six months.

Article 9

Physical persons found advertising tobacco products shall be liable to pay a fine of KM 100 to 200.

Article 10

Any physical person found placing an advertisement for tobacco products in breach of the present Law, shall be liable to pay a spot fine of KM 30 to the inspector.

VI - TRANSITIONAL AND CONCLUDING PROVISIONS

Article 11

All physical persons shall adapt their conduct to the present law as of the date of the present Law coming into force. All institutions, organisations and other legal entities shall bring their general statutes in accordance with the present Law at the latest within 90 days of the present law coming into force.

Article 12

The present Law shall come into force on the eighth day of its publication in the Official Journal of the Republic of Srpska.

No.: 01-391/04
29th April 2004
Banja Luka

Chairman of the National Assembly, Dr. Dragan Kalinic, s.r.