

On the basis of Article IV B, 7a) of the Constitution of the Federation of Bosnia-Herzegovina (hereinafter the "BIH Federation"), I hereby pass the following

**DECREE
ON THE PROCLAMATION
OF A LAW ON THE LIMITED USE OF TOBACCO PRODUCTS**

The Law on the Limited Use of Tobacco Products, which was adopted by the Parliament of the BIH Federation at the meeting of its House of Representatives on 22 January 1998 and at the meeting of its House of Nations from 20 to 21 January 1998, is hereby proclaimed.

Ref. 01-01 I-120/98
24 February 1998
Sarajevo

BIH Federation President
Prof. Dr. Ejup Ganic,
in his own hand

LAW ON THE LIMITED USE OF TOBACCO PRODUCTS

I. BASIC PROVISIONS

Article 1

This law regulates the limited use of tobacco products, manufacturers' liabilities, prohibition of advertising and sale of tobacco products, and other matters intended for the improvement and protection of the health of citizens from the harmful effects of tobacco products.

Article 2

The following products shall be deemed to be tobacco products in the sense of this law:

1. Cigarettes
2. Cigars
3. Cigarillos
4. Tobacco for pipes and smoking
5. Tobacco for inhaling and chewing
6. Other tobacco products

II. PROHIBITION OF THE USE OF TOBACCO PRODUCTS

Article 3

The use of tobacco products (hereinafter "smoking") shall be prohibited in:

1. Educational institutions
2. Institutions for the accommodation and residence of children and students
3. Health care institutions
4. Social welfare institutions
5. Other public institutions

The prohibition of smoking referred to in the first paragraph of this article shall refer to all federal, cantonal, city and municipal bodies and institutions.

The prohibition of smoking referred to in the first paragraph of this article shall also refer to all companies and other legal entities in which a production process is performed. In addition, this prohibition shall refer to the work premises of companies and other legal entities in which work with clients is performed, or in which two or more employees work, of whom at least one is a non-smoker.

In the institutions, companies and other legal entities referred to in the first, second and third paragraphs of this article, smoking shall be permitted only in rooms specially designated for this purpose.

Article 4

The prohibition of smoking shall also refer to enclosed premises in which:

1. Cultural, entertainment, sports and other events and competitions are organised
 2. Recording and broadcasting is performed
 3. Meetings and other organised gatherings of citizens are held,
- with the exception of rooms specially designated for this purpose in the sense of the second paragraph of Article 3 hereinabove.

Article 5

catering facilities in which food is served shall have special rooms for smoking. Smoking shall also be prohibited in pastry shops and milk restaurants.

Article 6

Smoking shall also be prohibited in:

1. Means of public transport in road traffic (including means of city traffic)
2. Means of public transport in railway and air traffic and internal sea traffic, except in specially designated smoking rooms
3. Cable railways and funiculars
4. Elevators

Smoking shall also be prohibited in railway station premises, except in specially designated smoking rooms.

III. MANUFACTURERS' OBLIGATIONS

Article 7

The production and sale of tobacco products which do not contain information on tar and nicotine content (in mg) on a visible place on their packaging shall be prohibited. The information from the first paragraph of this article shall be printed in a colour which differs from the background, in letters of at least 2 mm in size.

Article 8

The manufacturers and importers of tobacco products shall be obliged to print a warning, **SMOKING IS HARMFUL TO YOUR HEALTH**, on the front side of product packaging. In addition to the warning, from the first paragraph of this article, tobacco products for sale shall contain one of the following warnings on the side of the original packaging:
"Smoking shortens the duration of life."
"Smoking causes lung cancer and cardiovascular diseases."
"Smoking during pregnancy harms development of the unborn child."

The warning referred to in the first and second paragraphs of this article shall be printed in a colour that differs from its background, and not on that part of the packaging which is opened nor on the part which is destroyed during opening.

IV. PROHIBITION OF ADVERTISING

Article 9

The advertising of tobacco products in print media, on radio and television, by slide projection in movie theatres, on films, panels, labels and other types of advertising, in public places, buildings and means of public transport (traffic), by illuminated signs, in books, newspapers, calendars and items of clothing, including the sponsorship of sports, cultural and other public events by companies which are engaged in the production and sale of tobacco products, shall be hereby prohibited.

Article 10

The following activities shall not be deemed to be advertising referred to in the previous article: information on the quality and other properties of tobacco products in professional books, journals and other publications which are intended exclusively for the manufacturers and sellers of tobacco products.

The establishment or presence of a sign bearing the manufacturer's name at its place of business shall also not fall into the category of advertising.

Article 11

The manufacturers and wholesalers of tobacco products may inform citizens of the release of a new type of tobacco product onto the market for a maximum duration of 15 days. New types of tobacco products in the sense of the first paragraph of this article shall be considered to be tobacco products with tar content reduced by 10 or more percent in comparison with currently sold tobacco products of the same type with the lowest tar and nicotine content.

The information referred to in the first paragraph of this article may not be published on radio or on television, nor in publications intended predominantly for youth.

V. PROHIBITION OF SALE

Article 12

The sale of tobacco products shall be prohibited in premises which are located at a distance of less than 100 m from pre-school and school institutions and those located in sportsrecreational areas.

The sale of tobacco products

- to persons younger than 15 years
- from automatic vending machines
- which are not packaged in the manufacturer's original packaging, which are sold in bulk and which do not contain the warning referred to in Articles 7 and 8 hereinabove shall be prohibited.

VI. SUPERVISION

Article 13

Supervision over the implementation of this law shall be performed by:

1. Sanitary inspection: over the implementation of the provisions of the first paragraph of Article 3, items 1 and 2 of Article 4, and Articles 5 and 6.
2. Labour inspection: over the implementation of the provisions of the second and third paragraphs of Article 3, and item 3 of Article 4.
3. Market inspection: over the implementation of the provisions of Articles 7, 8, 9, 11 and 12 of this law.

The supervision over the implementation of Articles 7 and 8 of this law during the importing of tobacco products shall be performed by the Federal Ministry of Finance, the Customs Administration.

If the competent inspection authorities from the first paragraph, item 3, of this article establish that tobacco products are being sold or advertised in violation of the provisions of Articles 7, 8, 9, 11 and 12 of this law, they shall pass a decision on the prohibition of their sale or advertising.

An appeal against the decision referred to in the third paragraph of this article shall not postpone the enforcement of this decision.
The costs of execution shall be borne by the entity against whom the decision is passed.

VII. PENAL PROVISIONS

Article 14

A fine of KM 1,000 - 5,000 shall be imposed for commercial offences on companies or other legal entities which are engaged in the production, importing or sale of tobacco products, if

1. contrary to the law, they do not print information referred to in Article 7 and the warning referred to in Article 8 of this law on the original packaging of tobacco products, or if they sell tobacco products contrary to the provisions of the second paragraph of Article 12 of this law;

2. contrary to the provisions of Articles 9, 10 and 11 of this law they advertise tobacco products.

A fine of KM 250-500 shall also be imposed on the responsible person in the legal entity for commercial offences from the first paragraph of this article.

Article 15

A fine of KM 500-3,000 shall be imposed on institutions, companies and other legal or physical entities (persons) for a commercial offence, if they do not prohibit smoking and do not determine rooms for smoking within the deadline set in Article 19 of this law.

A fine of KM 300-150 shall also be imposed on the responsible person in the legal entity for commercial offences from the first paragraph of this Article.

Article 16

A fine of KM 500-1,000 shall be imposed on companies and other legal or physical entities for a commercial offence, if they sell tobacco products contrary to the provisions of the first paragraph of Article 11 hereinabove.

A fine of KM 100-50 shall also be imposed on the responsible person in the legal entity for commercial offences from the first paragraph of this Article.

Article 17

A fine of KM 30 shall be imposed on the spot on physical entities who smoke in:

1. Institutions, companies and other legal entities referred to in Article 3 hereinabove;
2. Premises from Article 4 hereinabove;
3. Catering premises from Article 5 hereinabove;
4. Means of public transport and railway station premises referred to in Article 6 hereinabove.

The fine from the first paragraph of this Article shall be collected by the inspector performing direct supervision pursuant to Article 13 hereinabove.

Article 18

Until the KM currency is released into circulation, the fines stipulated by this law may be paid in DM or their equivalent value in currencies which are used in the legal transactions in the territory of Bosnia-Herzegovina, according to their middle exchange rate which is determined and published by the competent financial institution on the date of payment.

VIII TRANSITORY AND FINAL PROVISIONS

Article 19

All institutions, companies and other legal entities shall be obliged to install signs reading "SMOKING PROHIBITED" and determine rooms for smoking in their premises pursuant to Articles 3,4, 5 and the second paragraph of Article 6, as well as in the means of public transport pursuant to the first paragraph of Article 6 hereinabove within 30 days of the date when this law comes into force.

The obligation from the first paragraph of this article shall also refer to physical entities who perform activities through individual work in the premises referred to in Article 5 hereinabove.

Article 20

The manufacturers and importer of tobacco products shall be obliged to print the information referred to in Article 7 and the warnings referred to in Article 8 hereinabove on the original packaging of tobacco products within 3 months of the date when this law comes into force.

Article 21

On the date when this law comes into force, the provisions of Article 33 of the Law on Work Safety (Official Gazette of the Socialist Republic of Bosnia-Herzegovina, No. 22/90), as well as the provisions of Articles 17 and 18 of the Law on the Compliance of Foodstuffs and Items in General Use with Health Regulations (Official Gazette of the Republic of Bosnia-Herzegovina, No. 2192) in the part which refers to the prohibition of advertising of tobacco and tobacco products shall cease to be valid in the territory of the BM Federation.

Article 22

This law shall come into force on the eighth day from the date of its publication in the

Official Gazette of the BIH Federation.
Chairman Chairman
of the House of Nations of the House of Representatives
Mariofil Ljubic, Enver Kreso,
In his own hand in his own hand