

THE CROATIAN PARLIAMENT

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Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE ACT ON THE RESTRICTION OF THE USE OF TOBACCO PRODUCTS

I hereby promulgate the Act on the amendments of the Act on the restriction of the use of tobacco products, passed by the Croatian Parliament at its session on 24 September, 2009.

Class: 011-01/09-01/164

Reg. No.: 71-05-03/1-09-2

Zagreb, 28 September, 2009

President of the
Republic of
Croatia
Stjepan Mesić,
m. p.

ACT

ON AMENDMENTS TO THE ACT ON THE RESTRICTION OF THE USE OF TOBACCO PRODUCTS

Article 1

In the Act on the Restriction of the use of tobacco products (Official Gazette, No. 125/08 and 55/09), in Article 2 item 11, the words: “yards pertaining to health institutions” shall be deleted.

In item 12, the words: “and arranged exclusively for smoking” shall be deleted.

Article 2

In Article 9 item 2, the following sentence shall be added: “Indirect promotion shall also mean organizing events with the name, logotype or other visual characteristics are displayed, evoking a particular tobacco product.”

Following paragraph 3, a new paragraph 4 shall be added to read as follows:

“It shall be prohibited to display in any way the name and logotype of a tobacco product via citylight advertising, trays, shop racks, flyers, catalogues and other advertising material at all points of sale selling tobacco products.”

Former paragraphs 4 and 5 shall become paragraphs 5 and 6.

Article 3

Article 10 shall be deleted.

Article 4

In Article 11 paragraph 8, the following sentence shall be added: “Vending machines shall not mean electronic kiosks for the sale of tobacco and other products with electronic buyer authorization and identification.”

In paragraph 9, following the word: “cigarette”, the following words shall be added: “and cigarettes in packs of less than 20 items.”.

Article 5

In Article 13 paragraph 2, the words: “and/or healthcare activities” shall be deleted.

Following paragraph 3, a new paragraph 4 shall be inserted, to read as follows:

“Smoking shall be banned in areas less than 20 metres away from the entrance into a healthcare facility.”

In the former paragraph 4, which shall become paragraph 5, subparagraph 2 shall be amended to read as follows:

“- in special areas reserved for smokers in psychiatric hospitals and other special areas reserved for smokers in other healthcare institutions providing healthcare or social care to persons suffering from mental illness, or persons in penitentiaries and prisons, which have to be marked as areas where smoking is permitted, and”.

Article 6

Article 14 shall be amended to read as follows:

“A smoking area shall meet the following conditions:

- the area shall be arranged so as to prevent the outflow of air contaminated by tobacco smoke into other areas,
- the area shall not be smaller than 10 m²,
- the area shall not cover more than 20% of the overall public place area, that is 20% of the area for the serving of food or drinks in catering facilities,

- the area shall not be the connecting room to other areas,
- serving of food or drinks shall not be permitted in smoking areas.”

Article 7

In Article 16 paragraph 1, following the words: “ventilation system” the words: “and filtering system” shall be added.

Article 8

Article 19 shall be deleted.

Article 9

Following Article 20, Articles 20.a and 20.b shall be added to read as follows:

“Article 20.a

The facility serving only drinks and which is not able to fulfil the conditions from Article 14 subparagraphs 2 and 3 of this Act, can be designated as smoking area by the owner or the facility user, whereby the area must be marked as an area in which smoking is permitted.

The smoking area from paragraph 1 of this Article must meet the following conditions:

- the area must be equipped with a ventilation system enabling air circulation at least 10 times per hour,
- the outflow of the air contaminated by tobacco smoke from the smoking area must be assured via the filtering system,
- the area must display promotional material on the harmful effects of tobacco products (poster, flyers, stickers, etc.).

Article 20.b

The fulfilment of conditions from Articles 14-18, 20 and 20.a of this Act shall be determined by a Decision issued by the Minister.

No appeal can be filed against the Decision from paragraph 1 of this Article, however, an administrative procedure can be launched against it.”

Article 10

In Article 27 paragraph 1, item 17 shall be amended to read as follows:

“17. displaying the name or logotype of a tobacco product by means of citylight advertising, treys, shop racks, flyers, catalogues and other promotional material at all points of sale selling tobacco products or advertising products which are not considered as tobacco products, but which by their appearance, name or purpose directly encourage the consumption of tobacco

products, as well as any other advertising, which by its appearance, name or purpose encourages the consumption of tobacco products (Article 9 paragraphs 4 and 5).”

Item 18 shall be deleted.

Item 25 shall be amended to read as follows:

“25. selling cigarettes piecemeal or selling cigarettes in packs of less than 20 items, or selling other tobacco products without the original manufacturer’s packaging (Article 11, paragraph 9),

In item 28, the words: “Article 13 paragraphs 1 and 2” shall be replaced by the words: “Article 13 paragraphs 1, 2 and 4”.

In item 29, the words: “in Articles 14-20 of this Act” shall be replaced by the words: “in Articles 14-18 and 20 of this Act”.

Following item 29, item 30 shall be added, to read as follows:

“30. designating as smoking area an area that does not meet the required conditions (Article 20.a).”

Article 11

In Article 28, the words: “food and/or drink” shall be replaced by the words: “food and/or drinks, except in facilities from Article 20.a of this Act”.

Article 12

Smoking shall be allowed in facilities serving only drinks until the conditions from Articles 14-18 and 20 and from Article 20.a of this Act are met, not longer than six months after its coming into force.

Article 13

The owners or the users of a closed public area must harmonize their business activities with the provision of Article 9 paragraph 4 of the Act on the Restriction of the use of tobacco products added in Article 2 of this Act within thirty days from the day of coming into force of this Act.

Article 14

The owners or the users of a closed public area must harmonize their business activities with the provision of Article 11 paragraph 9 of the Act on the Restriction of the use of tobacco products amended by Article 4 of this Act within three months from the day of coming into force of this Act.

Article 15

This Act shall come into force on the eighth day after the day of its publication in the Official Gazette.

Class:310-29/09-01/02
Zagreb, 24 September, 2009

THE CROATIAN PARLIAMENT

President of the
Croatian
Parliament
Luka Bebić, m.p.