

STATUTE BOOK OF FINLAND

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Act amending the Tobacco Act

In accordance with the Finnish Parliament

The § 2, paragraph 42, §§ 32, 60 (1), 87 and §§ 119 and 120 (6) of the Tobacco Act (549/2016), as they are in § 2, paragraph 42 and § 32 in the Act 1374/2016 are *amended* and

the following paragraph 43 shall be added to § 2 as it is in the Act 1374/2016, and new §§ 100 a and 100 b shall be introduced:

§ 2

Definitions

This Act refers to:

42) *a housing community* as a limited liability company governed by the Limited Liability Company Act (1599/2009), an association and a foundation governed by the Right-of Occupancy Housing Act (650/1990), a housing cooperative, an apartment house referred to the § 2 on the Act on Joint Management of Rental Buildings (649/1990) and any other tenancy owned by communities;

43) *authenticity factor* as a part of the security feature that is further specified in Commission Implementing Decision (EU) 2018/576 laying down technical standards for the security features to be added to tobacco products, hereinafter *the Commission Security Feature Decision*.

§ 32

Mandatory labelling of retail packings of tobacco products

The retail packaging of tobacco products shall contain:

1) Finnish and Swedish warning texts on health hazards caused by tobacco products; in addition, the retail packaging tobacco products for smoking shall include pictorial warnings of the health hazards of tobacco products, as well as an information message regarding the harms of tobacco smoke and information on smoking cessation in Finnish and Swedish;

2) a unique identifier for the tracing of the retail packaging, as provided for in Commission Implementing Regulation (EU) 2018/574, laying down technical standards for the establishment and operation of the traceability system for tobacco products (hereinafter Commission Traceability Regulation), issued by a party appointed by the Ministry of Social Affairs and Health, as well as being a security feature that protects against misuse, consisting of visible, partially hidden and hidden authentication features.

HE 301/2018
StVM 29/2018
EV 210/2018

Commission Implementing Regulation (EU) 2018/574 (32018R0574); EUVL L 96, 16.4.2018, p. 7
Commission Implementing Decision (EU) 2018/576 (32018D0576); EUVL L 96, 16.4.2018, p. 57

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At least one of the authenticity factors referred to in paragraph 2 in subsection 1 shall be provided by a third-party, which is independent of the tobacco industry in a manner described by the Commission Implementing Decision's Article 8, paragraph 1.

Further provisions may be laid down with a Decree by the Ministry of Social affairs and Health:

1) the text, images, font and size, colour, framing, area, placement, rotation, attachment, integrity and other definition of the markings referred to in subsection 1 (1);

2) the placement and marking on the packaging of the unique identifier referred to in subsection 1 (2), the information which can be determined by means of the identifier and which information is included in the identifier and which information must be electronically accessible;

3) the placement and marking of the safety feature referred to in subsection 1 (2), as well as the technical standards of the safety feature and any alternation thereof;

4) the obligations regarding the independence of the authenticity factor provider referred to in subsection 2.

§ 60

Wholesale restrictions

Tobacco products may be sold in bulk for resale only by the wholesaler who has made the notification referred to in § 50 and has the identification codes referred to in Articles 15 and 17 of the Commission Traceability regulation, and only to the retailer who has those identification codes and:

1) a retail license referred to in § 44 and who has declared, under § 46 (1), paragraph 2 or § 49, to sell tobacco products;

2) a retail license granted under the old Tobacco Act.

§ 87

Right to information

Valvira and the municipality shall have the right to obtain information free of charge and notwithstanding the provisions on confidentiality from manufacturers, importers and sellers of the products referred to in this Act as well as from other authorities which are necessary to investigate any non-compliance regarding this Act and its regulations. In addition, Valvira shall have the right to obtain information referred to in article 8 (3) of the Commission Security Feature Decision free of charge and notwithstanding the provisions on confidentiality from the provider of the authenticity factor referred to in § 32 (2), and its potential subcontractors.

If the information referred to in subsection 1 is not provided within the time limit, Valvira or the municipality may impose a penalty payment as an effect of the obligation. The penalty payment is sentenced by the administrative court at the request of the setter. However, a penalty payment may not be imposed if there is a reason to suspect the person concerned for a crime and the requested material relates to the suspected crime.

Upon request, the municipality and the Regional State Administrative Agency are required to provide Valvira, free of charge, with inspections and other control measures, control personnel, fee information and other control information for the purposes of control, monitoring, reporting and statistics under this Act. The information must be provided in a manner specified by Valvira.

§ 100 a

Requirement to replace or change security feature

The municipality shall immediately notify Valvira if it suspects that the integrity of

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the authenticity factor referred to in § 32 (1), paragraph 2 has been compromised. If Valvira has reason to believe that the authenticity factor is compromised, it shall require the manufacturer or importer of the product to replace or modify this security feature.

§ 100 b

Ensuring the independence of the authenticity provider

If the information provided under § 87 (1) or otherwise indicated that the authenticity provider referred to in § 32 (2) or its potential subcontractors no longer meet the independence requirements, Valvira shall, within a reasonable time and no later than the next calendar year in which the information was received take all necessary measures to comply with the conditions of independence.

§ 119

Disposal

An officer entitled to arrest may provably dispose or have disposed a tobacco product, herbal product for smoking, electronic cigarette or nicotine liquid with casing which may be confiscated, if they are presumed to have been lost and have no commercial value.

§ 120

Entry into force

This Act enters into force on 20 May 2019.

The identification codes referred to in the Commission's Traceability Regulation provided under § 60 (1) shall be applied to cigarettes and roll-your-own cigarettes from 20 July 2019 and to other tobacco products from 20 May 2024.

§ 32 (1), paragraph 2 and chapter 6 shall apply to retail packaging's of cigarettes and roll-your-own cigarettes from 20 May 2019 and to retail packaging's of other tobacco products from 20 May 2024. Prior to those dates, the provisions in force at the time of the entry into force of this Act shall apply to the identification and traceability of retail packaging. The free circulation of cigarettes and roll-your-own cigarettes manufactured in the EU or imported into the EU before 20 May 2019, as well as other tobacco products manufactured in or imported into the EU before 20 May 2024, shall be regulated according to the article 37 of the Commission's Traceability Regulation and article 9 of the Commission Security Feature Decision.

Helsinki, 22 February 2019

President of the Republic
Sauli Niinistö

Minister of Family Affairs and Social Services Annika Saarikko