

Act of March 10, 1988, measures to reduce tobacco use, and in particular to protect the non-smoker

WE BEATRIX, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc. etc. etc.

Allen, who will see or hear read, salute! to do this:

Thus we have taken into consideration, it is desirable in the interest of public health control order to limit the use of tobacco and more particularly to preventing nuisance for those who use no tobacco control;

Thus, that We, the State Council heard and with mutual agreement of the States-General, have found good and means, as well, and we mean by this:

§ 1. Terminology

Article 1

In this Act and the contractual provisions shall apply:

- a. tobacco products: products intended for smoking, sniffing, sucking or chewing, and which are, though only partly, of tobacco, whether genetically modified or not;
- b. Our Minister: Our Minister of Health, Welfare and Sport;
- c. Annex: The Annex to this Act;
- d. violation is as defined in the Annex, which is contrary to the requirements imposed by or under Articles 2, 3, 3a, 3b, 3c, 3e, 4, 5, 5a, 7, 8, 9, 10, 11, 11a or 18;
- e. penalty: the administrative sanction consisting in the obligation to the State a certain sum of money to pay.
- f. advertising means any operation in the economic sphere with the aim of the sale of tobacco products and any form of commercial communication with the awareness or the promotion of a tobacco product to aim or direct or indirect effect, including advertising which without tobacco product directly called, seeks to circumvent the advertising ban by using a name, mark, symbol or other distinctive sign of a tobacco product;
- g. sponsorship "means any public or private economic contribution to an activity, event or person, the awareness or the promotion of a tobacco product to aim or direct or

indirect effect;

h. tobacco point: any place where tobacco products are for business or otherwise than for non-provision;

i. tobacco shop "means an establishment, being a shop or a part thereof, with a lockable private access, where a total range of tobacco products of at least 90 brands available versions for other than business or not, and:

1 °. verkoopvloerooppervlakte with a minimum of 10 m² or,

2 °. verkoopvloerooppervlakte with less than 10 m², already for January 1, 2001 as a tobacco case was registered at the Chamber of Commerce;

j. tar means the raw anhydrous nicotine-free condensate of smoke;

k. nicotine: nicotine alkaloids;

l. ingredients: substances or components, except tobacco leaves and other natural or non-transformed parts from the tobacco plant, used in the production or preparation of tobacco use in the finished product, whether or not in modified form, including paper, filter, inks and adhesives;

m. by the information society services within the meaning of Article 1, second paragraph, of Directive No. 98/34/EC of the European Parliament and the Council of June 22, 1998 on information in the field of standards and technical regulations and rules on information society services (OJ L 204).

§ 2. Description, composition and ban tobacco products

Article 2

1. An order in the interest of public health requirements, to which tobacco products must comply in respect of indications that must appear on the packaging in which they are provided to individuals. If the indication on the composition of the products by or under the measure that defined a method of research is designated, which alone is decisive for determining whether relating to the product whether or not the correct designation is used.

2. An order may be in the interest of public health requirements, which tobacco products must comply in respect of the composition, such as the nicotine content and the quantities of tar and carbon monoxide created by combustion. By or under the measure a defined method of research is designated, which alone is decisive for deciding on whether or not a product meet the requirements are met.

Article 3

1. It is prohibited other than business or not tobacco products to provide or present, if those products do not meet the Article 2 requirements.

2. An order may provide that the first paragraph shall not apply if plausible is that the product is intended for export or to be destroyed or brought into line with the requirements.

Article 3a

It is prohibited tobacco products intended for oral use other than smoking or chewing in the form of powder, fine particles or a combination of these forms or in forms that look like food business or to attend to.

Article 3b

1. Tobacco Producers and importers are required annually to Our Minister a list of all ingredients, specifying the quantities for the production of tobacco products used, broken down by brand and type of unit.

2. The list is a statement which explained why put the ingredients to tobacco products. The function and category will be listed. The list also the producer or importer available toxicological data on the ingredients in burnt and unburnt form as appropriate, in particular the implications for health, and possible addictive effects are taken into account . The list in descending order by weight of the respective ingredients of the product.

3. By arrangement of Our Minister, detailed rules may be on the list when the list must be submitted and attach documents and data.

4. Our Minister is in a manner determined by him responsible for disclosure of the first and second paragraph, list of ingredients and in the third paragraph documents and data. In addition, the disclosure of business and manufacturing data failure, where the interest of disclosure outweighs the disproportionate harm to the provider of such data.

5. All information provided under this Article by Our Minister annually to the Commission for European Communities sent.

Article 3c

1. Tobacco Producers and importers are obliged to cooperate by Our Minister, established, appointed or approved measurements and research, aimed to examine the content of tar, nicotine, carbon monoxide and other substances that tobacco products, broken down by brand and type per unit product, produce, and to the effects of these other substances for the health to determine, inter alia take into account the inherent risk of dependency.

2. The measurements and tests for levels of tar, nicotine and carbon monoxide are carried

out or verified by laboratories that are approved and supervised by our Minister.

3. The results of measurements and tests to be annually submitted to the Ministry or something much less frequent as arrangements of Our Minister is determined.

4. By arrangement of Our Minister, detailed rules may be made about how to apply the first, second and third paragraph.

Article 3d

By or under general administrative rules may be made regarding the qualification of laboratories, that measurements and tests referred to in Article 3c provide.

3rd Article

As of September 30, 2003 is prohibited on the packaging of tobacco products, texts, names, trade marks and figurative or other signs to use, suggesting that a particular tobacco product is less harmful than other tobacco product.

§ 3. Advertising and sponsorship restrictions

Article 4

1. Radio and television programs may no advertising or teleshopping messages referred to in Mediawet contain tobacco.

2. The first paragraph does not apply to other programs offered to the radio and television offer:

a. the public media services referred to in Chapter 2 of the Mediawet 2008; and

b. commercial media institutions referred to in Article 1.1 of the Mediawet 2008.

Article 5

1. Without prejudice to Article 4, any form of advertising and sponsorship bans.

2. The first paragraph does not apply if a name already used in good faith for both tobacco and other products or services by the same company or different companies in the market or be offered for the advertising of other products or services used and that name is used in a manner clearly distinct from those provided for the tobacco product is used, to the exclusion of any distinctive character that already for a tobacco product is used.

3. The first paragraph also applies to:

a. commercial communications in the press and other printed publications, and services, the promotion of a tobacco product to aim or direct or indirect effect, which are:

1 °. exclusively for professionals working in the tobacco trade, or

2 °. be printed and issued in, or be supplied from countries outside the European Union, provided they are not primarily for countries within the European Union are intended;

b. the regular presentation of tobacco products offered for sale through the display in a sealed container at a neutral background and the normal pricing in tobacco issues, provided that the packaging requirement does not apply to cigars, pipe tobacco and chewing tobacco in a tobacco shop;

c. only for the purchaser of tobacco use in advertising or a tobacco specialist at the front thereof, or one with a lockable own clearly separated tobacco access point in a grocery store or a department store, provided the advertising is not aimed at minors and:

1 °. to the front of a tobacco dealer in total not more than 2 m2 covers;

2 °. where tobacco is in a separate section in a grocery store or a department store is only attached to, at, in or against the part of the private space intended for the presentation of tobacco products and targeting only those in the tobacco section itself present ;

3 °. meet the ministerial regulation to be adopted.

4. Notwithstanding the first paragraph, the sponsorship of radio programs allowed, if and insofar as this is done by companies whose main activity is not produced by the manufacture or sale of tobacco products.

5. Any distribution of charge or at a nominal fee, the promotion of a tobacco product purpose or effect of directly or indirectly, is prohibited.

6. An order may in particular minors goods and services are appropriate, which may be provided for non-specialist in tobacco and tobacco separated points in food stores and department stores, where advertising for tobacco products is made.

Article 5a

1. It is forbidden for a tobacco product name, trade marks, emblems or other distinctive sign of another product or another service, unless the tobacco product before the date of effect of Article 5, first paragraph, shall prohibition under that name, that mark or symbol or with the distinctive sign, the market was.

2. It is prohibited for products or services, after the entry into force of Article 5, first paragraph, such a prohibition on the market, a name, mark, symbol or other distinctive sign that is earlier for a tobacco product was used, unless the name, mark, symbol or

other distinctive sign of the product or service in a distinctly different shape than that of the tobacco product is presented.

Article 5b

1. On the claim of a legal person referred to in the third paragraph may advertising or sponsorship, which is contrary to the provisions of Articles 5 and 5a, are declared unlawful.
2. The claim may be brought against those responsible for the advertising or sponsorship.
3. The claim extends to legal persons with full legal capacity, aimed at the prevention of smoking, smoking cessation or the representation of the interests of young people, consumers and non-smokers.
4. The plaintiff is not admissible, unless it appears that, before the claim, the controller the opportunity to the advertising or sponsorship to remove or, as Article 5, third paragraph, apply, the advertising or sponsorship so that the grounds for objection that the claim would ensue, are removed. A period of two weeks after written notice of objection is issued in each case sufficient.

Article 5c

1. The court in Rotterdam has exclusive jurisdiction to consideration of claims referred to in Article 5b.
2. The entities referred to in Article 5b, the powers provided for in Articles 285 and 376 of the Code of Civil Procedure, Article 379 of the Code does not apply.
3. On the claim of the plaintiff may be linked to the ruling:
 - a. a prohibition of advertising or sponsorship;
 - b. a commandment to remove or to delete or to change or do change of advertising or sponsorship;
 - c. a conviction to the public or to publish the decision, so by the court to determine the nature and cost of the court to a party or parties.
4. The court may, in its decision indicate how the breach of Article 5 and 5a be removed.
5. Disputes concerning the implementation of the third paragraph, convictions and sentencing to pay a penalty, if imposed, shall be exclusive by the court in Rotterdam decided.

Article 6

In derogation of Article 8:7 of the General Administrative Law Act for appeal against decisions under this law, the competent court in Rotterdam.

§ 4. Sales Restrictions

Article 7

1. It is banned in the institutions, services and businesses, which the State or other public bodies to manage the business or otherwise than for non tobacco products to individuals to provide or present to that purpose. The prohibition does not apply to general measure of Directors as appropriate.
2. It is prohibited in facilities for health, welfare, social services, arts and culture, sport, socio-cultural work or education, provided that such devices include up to general administrative categories, business or otherwise than for non tobacco products to individuals provide or present to that purpose.
3. It is prohibited to general administrative categories of companies and organizations other than business or not tobacco products to individuals to provide or present to that purpose.

Article 8

1. It is prohibited other than business or not to provide tobacco to a person who has not been established that the age of 16 years has reached. Under provision is also included to provide a tobacco product to persons who are determined to be the age of 16 years has reached any tobacco product, however, apparently intended for a person who has not been established that the age of 16 years has reached .
2. The determination referred to in the first paragraph, be provided, if a person clearly the age of 16 years has reached. The determination shall be based on a document referred to in Article 1, first paragraph of the Law on the identification requirement, or by or under a general measure of Governors document.
3. In places where the business or otherwise than for non tobacco products to individuals tend to be provided should be clearly visible and legible to be shown that people younger than 16 years, tobacco products are provided. Our Minister may set further rules on the matter and provide a model.

Article 9

1. It is prohibited corporate free tobacco products to individuals to reach, to send or otherwise make available.
2. The business is prohibited or otherwise not cigarettes than to individuals or to attend

for that purpose other than in a sealed container, which are not recoverable damage can be opened.

3. It is forbidden cigarettes in packs of less than nineteen pieces, except for ministerial regulation, the market or present it.

4. An order can methods for business or otherwise than for non-provision of tobacco products to individuals without hand position through a far person prohibited. The prohibition may, in accordance with general administrative rules, restrictions are made.

§ 5. Smoking Prohibited

Article 10

1. For the institutions, services and businesses by the State and public bodies shall be managed by the competent body such measures, that the facilities it offers can be made and the work it can be done without hindrance or inconvenience of smoking experience.

2. The measures provided for in the first paragraph, is in each case setting identify and maintain a ban on smoking in premises belonging to general measure of governance to categories. The ban, according to the general administrative rules, restrictions are made.

Article 11

1. An order may be those who - unlike in a capacity referred to in Article 10 - the management have buildings or facilities for health, welfare, social services, arts and culture, sport, socio-cultural work or education, for that such premises or premises belonging to general measure of governance to categories, are to be imposed to take measures as provided for in Article 10, first paragraph.

2. Article 10, second paragraph, shall apply.

Article 11a

1. Employers are obliged to make arrangements to ensure employees are able to carry out their work without hindrance or inconvenience of smoking by others experience.

2. Operators of funds for such passengers are required to take measures that passengers be able to accomplish their journey without annoyance or inconvenience of smoking experience.

3. Dutch airlines are obliged to make arrangements to ensure passengers on board their aircraft for use during the civil aviation flights to and from airports located on Dutch territory be able to accomplish their journey without annoyance or inconvenience of smoking experience.

4. Those that - unlike in a capacity referred to in Article 10 or 11 - the management have for the public buildings, where buildings are among those in general administrative categories are required to take measures as specified in Article 10, first paragraph.

5. An order may be referred to in this Article limits commitments are made. As may be determined that the obligations referred to in the first paragraph shall not apply to that measure:

- a. categories of employers;
- b. spaces in buildings;
- c. other places where work is performed.

These arrangements can be made.

Article 11b

1. In respect of the Annex violations Our Minister may impose a fine to the natural or legal person to which the violation can be attributed.

2. The amount of the fine is determined in the manner prescribed in the Annex, provided that the individual because of a violation to pay money not exceeding:

- a. €450 000 for breach of Article 5 or 5a, if such violation is committed by a manufacturer, wholesaler or importer of tobacco products;
- b. €4 500 is other than a referred cases.

3. Our Minister, the penalty is lower than in the Annex is provided, if the amount of the penalty in a particular case under special circumstances should be considered disproportionately high.

4. The work on the implementation of the first paragraph shall be performed by persons not involved in preparing the report referred to in Article 11f and previous research.

5. The power to impose a penalty expires, if the matter of the offense under which the penalty may be imposed on a criminal prosecution against the offender is brought and the investigation to a hearing had begun, or the right of prosecution has expired under Article 74 of the Criminal Code.

6. Notwithstanding the first paragraph, the offense with a fine should be dismissed, unless the Annex for the penalty for violation is significantly exceeded by the economic benefit the offense won.

7. The right of prosecution shall be extinguished if the Ministry already has imposed a

fine.

Article 11c

1. The Annex provides for each violation described therein, the amount of deswege to impose a penalty.
2. An order in the Annex may be amended.
3. A second paragraph under the Administrative Order shall enter into force not earlier than eight weeks after the date of issue of the Gazette, in which he is placed. From the award shall be immediately communicated to both Houses of the States-General.
4. A general measure of governance as stipulated in the second paragraph shall be determined on the recommendation of Our Minister in agreement with Our Minister of Justice.

Article 11d

The person against whom an act is carried out, which he reasonably considers that it can connect because of a violation penalty will be imposed, is not required for any such statement. He shall be informed prior to his oral information.

Article 11th

1. If Our Minister is a fine, give the person referred to in Article 11b, first paragraph, notify specifying the grounds on which the plan rests.
2. Notwithstanding Section 4.1.2 of the General Administrative Law Act shall Our Minister the person the opportunity within a reasonable time to writing or orally to express views before the fine is imposed.
3. Our Minister may apply to the second paragraph omission where the person has previously been given the opportunity to express his views and has since been no new facts or circumstances have occurred.
4. If the person views orally should like to make the Dutch language and lack of understanding contributes Our Minister at his request, arrange for appointment of an interpreter who can assist him, unless it can be reasonably assumed that there is no need.

Article 11f

1. Article 13 If a designated officer finds that a violation described in the Annex is committed, he makes a report.
2. The report indicates in each case:

- a. the offense, with reference to the relevant legal rules and the description in the Annex;
- b. an indication of where and when the offense was committed;
- c. the facts and circumstances under which it is established that a violation has been committed;
- d. the declaration of the person referred to in Article 11d, if made.

3. The report will be sent to Our Minister.

4. A copy of the report is sent or given to the offender.

5. At the request of the person referred to in Article 11b, first paragraph, the report because of his lack of knowledge of the English language sufficient to understand, Our Minister shall do their utmost to ensure that the contents of the report to that person is notified in a it understandable language.

Article 11g

1. The Minister made the decision to fine.

2. The decision states, in each case:

- a. the offense, with reference to the relevant legal rules and the description in the Annex;
- b. in Article 11f, second paragraph, under b and c, referred to;
- c. the amount of the fine and the period within which they must be paid.

3. At the request of the person referred to in Article 11b, first paragraph, that the decision because of his lack of knowledge of the English language sufficient to understand, Our Minister shall do their utmost to ensure that the content of the decision to that person is notified in a it understandable language.

Article 11h

The effect of a decision referred to in Article 11g shall be suspended until the appeal has expired or if an appeal is made on the appeal is decided.

Article 11i

1. The power to impose a fine shall lapse after a period of three years after the date on which the offense was committed.

2. A decision to impose a fine breach in the first paragraph term.

Article 11j

1. A fine is paid within six weeks after entry into force of the decision where the fine is imposed.
2. The fine plus statutory interest, calculated from the day since the announcement of the decision six weeks have elapsed.
3. If not paid within the first paragraph of this notice, is the person to whom the penalty is imposed ordered in writing within two weeks the amount of the fine plus the cost of the injunction, is still payable.
4. In the absence of payment in the third paragraph, term, can the Minister due penalty, plus the cost of the injunction and the recovery in demand recovery.
5. The execution is at the expense of the person making the penalty is served by bailiff and provides an enforceable within the meaning of the Second Book of the Code of Civil Procedure.
6. For six weeks after the date of service is open opposition to the execution by writ of the State.
7. The opposition does not suspend the execution unless the judge of the court for interim relief request otherwise.
8. The resistance can not be founded on the proposition that the penalty was wrong, or an excessive amount is determined.
9. Powers to recover deleted two years after the decision imposing the fine has become final.

§ 6. Further provisions

Article 12

The nomination of an Administrative Order under Article 7, Article 9, fourth paragraph, and Article 11a, shall not be earlier than four weeks after the draft to the two chambers of the States General is submitted.

Article 13

1. To monitor compliance with the requirements imposed by or under this Act are taxed at the decision of Our Minister appointed officials.
2. A decision as referred to in the first paragraph shall be notified by placement in the

Government Gazette.

Article 14 [Deleted by 01-01-1998]

Article 15

Each under Article 5:18 of the General Administrative Law Act case is under investigation to the person at his request a fee given the size of the amount by which its sales as a result of the study is reduced.

Article 16 [Deleted by 01-01-1998]

Article 17

The supervisors are empowered to co-write the necessary equipment to enter a dwelling without the consent of the occupant, if this entry is limited to repair and enter the present residential premises.

Article 18

In the interest of public health in addition to general administrative rules are made pursuant to a binding settlement on tobacco products, under the Treaty establishing the European Community has been reached.

Article 19 [Deleted by 01-01-1998]

Article 20

[Contains amendments to other legislation]

Article 21

This Act may be cited as: Tobacco.

Charges and recommend that in the Gazette will be posted and that all ministries, authorities, bodies and officials whom it is concerned with the accurate implementation of the hand hold.

Given in The Hague, March 10, 1988

BEATRIX

The State Secretary for Welfare, Health and Culture,
D.J.D. Dees

The Secretary of State for Economic Affairs,
A.J. Evenhuis

Published the eight twentieths July 1988
The Minister of Justice,
F. Korthals Altes

Annex to the Tobacco

Annex as referred to in Article 11b of administrative fines, containing the charges for violations as provided in Article 1, section d

The violations are classified into three categories, namely A, B and C.

Category A

Category A covers violations by manufacturers, wholesalers and importers of tobacco products, as well as owners and operators of tobacco issues, tobacco shops and vending machines in relation to advertising, sponsorship, distribution, lists and statements on tobacco ingredients, measurements and research in laboratories, recognition of those laboratories, on the package as well as detailed rules and contended by general administrative or ministerial regulation, whether or not to implement a scheme under the EU Treaty.

This includes specifically:

- Article 3, first member not complying with the ban tobacco products or business other than not to provide or present, if those products do not meet the Article 2 requirements.

- Article 3: non-compliance with the ban on providing business or present of tobacco products intended for oral use other than smoking or chewing in the form of powder, fine particles or a combination of these forms or in forms that look as food.

- Article 3b, first member is not too late, inaccurate or incomplete submission of the list of tobacco ingredients.

- Article 3b, the second member is not too late, inaccurate or incomplete submission of the declaration to the list of tobacco ingredients.

- Article 3b, the third member of the non-compliance under this article by ministerial scheme rules.

- Rule 3c, the first member is not complying with the obligation to cooperate in measurements and research in laboratories.

- Rule 3c, fourth paragraph: non-compliance under this article by ministerial scheme rules.

- Article 3d: non-compliance under this article or pursuant to an administration set rules on the recognition of laboratories.

- 3rd Article: Breaking the ban on the packaging of tobacco products, text, names, trade marks and figurative or other signs to use, suggesting that a particular tobacco product is less harmful than other tobacco product.

- Article 4, first member contravening the ban on advertising for tobacco products in radio and television programs.

- Article 5, first member contravening the prohibition, subject to Article 4, subject to Article 5, second and third paragraph, on any form of advertising and sponsorship.

- Article 5, fifth paragraph: Breaking the ban on distribution of charge or for a token fee, the promotion of a tobacco product purpose or effect of directly or indirectly.

- Article 5, first member contravening the prohibition on the use of a tobacco product name, trade marks, emblems or other distinctive sign of another product or another service, unless the tobacco product before the date of effect of in Article 5, first paragraph, such a prohibition under that name, that mark or symbol or with the distinctive sign, the market was.

- Article 5, second paragraph: Breaking the ban on the use of a name, mark, symbol or other distinctive sign that already for a tobacco product was used for products or services after the effective date of the Article 5 paragraph shall prohibit the marketing thereof, unless the name, mark, symbol or other distinctive sign of the product or service in a clearly different form is presented than that of the tobacco product.

- Article 9, first paragraph: Breaking the ban on corporate free tobacco products to individuals to reach, to send or otherwise make available.

- Article 18: Breaking rules, pursuant to Administrative Order, pursuant to a binding settlement on tobacco products, under the Treaty establishing the European Community is established.

Violations by manufacturers, wholesalers and importers of tobacco products of the prohibitions contained in Articles 5 and 5a be punishable by a fine of €45,000. This amount is increased to €135,000 if the person to whom the violation can be attributed to a similar violation previously fined no two years have elapsed since that earlier penalty has become final. This amount is increased to €225,000 if within three years after the final of the fine for the first offense the same offense for the third time committed and €450,000 if within five years after the final of the fine for the first offense same requirement for the fourth time is violated. Violations of Articles 5 and 5 by others is punishable by a fine of €4 500. Other violations included in category A, by whoever perpetrated, are also punishable by a maximum fine of €4 500. The amount of €450 is increased to €1350, if the person to whom the violation can be attributed to a similar violation previously been fined and less than two years have elapsed since that earlier penalty has become final. This amount is increased to €2250, if within three years after the final of the penalty on the first offense the same offense for the third time and committed to €4500 if within five years after the final of the fine for the first offense same requirement for the fourth time is violated.

Category B

Category B includes the offenses relating to the business of providing general measure of Governors, in particular minors consumption goods and services, business or otherwise than for non-individuals or with the purpose of tobacco present in places where this is prohibited (marketing), business or otherwise than for non-provision of tobacco products to persons younger than sixteen years, they fail to notice the places that is not available to persons younger than sixteen years, business or otherwise than for non-provision of unpackaged cigarettes to individuals, small packages of cigarettes and handed over without argument by an intermediary.

This includes specifically:

- Article 5, fifth paragraph: Breaking the ban on the industrial distribution in tobacco shops and tobacco separated points in food stores and department stores, where tobacco advertising is made, in particular for minors goods and services by means of public governance are identified as goods and services in such tobacco specialist and non-tobacco items may be provided.

- Article 7, first paragraph: Breaking the ban in the institutions, services and companies by the state or other public bodies shall be maintained, subject to general administrative

cases designated business or otherwise than for non tobacco products to individuals provide or present to that purpose.

- Article 7, second paragraph: Breaking the ban in establishments for health, welfare, social services, arts and culture, sport, socio-cultural work or education, provided that such devices include up to general administrative categories business or not other than tobacco products to individuals to provide or present to that purpose.

- Article 7, third paragraph: Breaking the ban to general administrative categories of companies and organizations other than business or not tobacco products to individuals to provide or present to that purpose.

- Article 8, first paragraph: Breaking the ban on business or otherwise than for non tobacco products to a person who has not been established that the age of sixteen years has reached that point shall also include the provision of a tobacco product to a person who is determined that the age of 16 years has reached any tobacco product, however, apparently intended for a person who has not been established that the age of 16 years has reached.

- Article 8, third paragraph: to fail in places where business or otherwise than for non tobacco products to individuals tend to be provided clearly and legibly to show that people younger than sixteen years any tobacco products and to this by The Minister further rules and the Minister in prescribed format to observe

- Article 9, second paragraph: Breaking the ban on corporate or otherwise not cigarettes than to individuals or to attend for that purpose other than in a sealed container, which are not recoverable damage can be opened.

- Article 9, third paragraph: Breaking the ban on cigarettes in packs of less than nineteen pieces, except for ministerial regulation, the market or present it.

- Article 9, the fourth member is violating the prohibition on business or otherwise than for non tobacco products to individuals without hand position through a far person in accordance with general methods of Governors, which subject to limitations on the ban made pursuant to that general administrative rules.

Belonging to category B Violations are punishable by a fine of €450. This amount is increased to €1350, if the person to whom the violation can be attributed to a similar violation previously been fined and less than two years have elapsed since that earlier penalty has become final. This amount is increased to €2250, if within three years after the final of the penalty on the first offense the same offense for the third time and committed to €4500 if within five years after the final of the fine for the first offense same requirement for the fourth time is violated.

Category C

Category C covers offenses relating to the taking of measures to prevent nuisance or annoyance is experienced from smoking by others (smoking).

This includes specifically:

- Article 10, first paragraph: failure by the relevant bodies for the institutions, services and businesses by the State and public bodies shall be maintained, such measures of the facilities it offers can be made therein and that the work can be carried out without hindrance or inconvenience of smoking experience.
- Article 10, second paragraph: failure by the relevant bodies within the institutions, services and businesses by the State and public bodies shall be managed to a smoking ban, to be known or to maintain in areas belonging to general measure of administrative categories, which subject to limitations on the ban, made in accordance with general administrative rules.
- Article 11, first paragraph: failure of those - other than the competent body within institutions, and companies by the State and public bodies are managed - the management have on buildings or facilities for health, welfare, social services, arts and culture, sport, socio-cultural work or education, falling to general administrative categories, such that measures of their features can be used so the work can be carried out without hindrance or inconvenience of smoking experience.
- Article 11, second paragraph: failure of those - other than the competent body within institutions, and companies by the State and public bodies are managed - the management have on buildings or facilities for health, welfare, social services, arts and culture, sport, socio-cultural work or education, falling to general administrative categories, a ban on smoking in up to identify and maintain premises belonging to general measure of governance to categories, which subject to limitations to the ban, made in accordance with general administrative rules.
- Article 11a, first paragraph: failure, except under Article 11a, fifth paragraph, by means of public administration to restrictions by employers make arrangements to ensure employees are able to carry out their work without hindrance or inconvenience of smoking by others to encounter.
- Article 11a, second paragraph: failure, except under Article 11a, fifth paragraph, by means of public administration to restrictions by means of passenger transport operators make arrangements to ensure passengers are able to accomplish their journey without annoyance or nuisance of smoking experience.
- Article 11a, third paragraph: failure, except under Article 11a, fifth paragraph, by means of public administration to restrictions by Dutch airlines such measures that passengers aboard their aircraft during use for civil aviation flights to and from on Dutch territory airports be able to accomplish their journey without annoyance or inconvenience of smoking experience.

- Article 11a, fourth paragraph: failure, except under Article 11a, fifth paragraph, by means of public administration to restrictions, of those who - unlike in a capacity referred to in Article 10 or 11 - the management have for the public buildings, where buildings are among those in general administrative categories, such measures of the facilities offered by them may be made therein and that the work can be carried out without hindrance or inconvenience of smoking experience.

Belonging to category C Violations are punishable by a fine of €300. This amount is increased to €600, if the person to whom the violation can be attributed to a similar violation previously been fined and less than two years have elapsed since that earlier penalty has become final. This amount is increased to €1200, if within three years after the final of the penalty on the first offense the same offense for the third time and committed to €2400 if within five years after the final of the fine for the first offense same requirement for the fourth time is violated.