



조선민주주의인민공화국
담배 통제 법

LAW OF THE DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA ON
TOBACCO CONTROL

법률출판사
평양 2010

LEGISLATION PRESS
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Law of the Democratic People's Republic of Korea on Tobacco Control

Adopted by Decree No.1200 of the Presidium of the Supreme
People's Assembly on July 20, 2005 and amended by
Decree No.537 of the Presidium of the Supreme
People's Assembly on December 22, 2009

Law of the Democratic People's Republic of Korea on Tobacco Control

Article 1 (Objective)

This Law shall aim to contribute to protecting the lives and health of people and creating cultured and hygienic living environment by enforcing strict control on production, import, export and sale of tobacco, and smoking.

Article 2 (Definition)

Tobacco means leaf tobacco, and tobacco product manufactured by processing leaf tobacco for human consumption.

Article 3 (Principle of tobacco control)

Enforcing strict control on tobacco is an important requirement for the protection of the lives and health of people and the environment.

The State shall ensure that production, import and sale of

tobacco is restricted and the number of smoking persons reduced.

Article 4 (Dissemination about harmfulness of tobacco)

The State shall consistently pursue the policy of strengthening tobacco control activities.

The State shall sensitize people about the harmfulness of tobacco so that they may take an active part in tobacco control activities.

Article 5 (Subject matter of regulation)

This Law shall regulate the order related to the control of production, import, export and sale of tobacco, and smoking.

Matters not covered by this Law concerning the control of production, import, export and sale of tobacco, and smoking shall be governed by the relevant laws.

Article 6 (Tobacco producers)

Tobacco shall be produced only by the licensed institutions, enterprises and organizations.

Approval for the production of leaf tobacco and tobacco

product shall be granted respectively by the central agricultural guidance organ and the central production-licensing organ.

Article 7 (Application for tobacco production)

Institutions, enterprises and organizations that wish to produce tobacco shall submit an application either to the central agricultural guidance organ or the central production-licensing organ. In this case the intended purpose and amount of production and the standard of the product shall be specified.

Article 8 (Review of application for approval of tobacco production)

Upon receipt of an application for approval of tobacco production, the central agricultural guidance organ or the central production-licensing organ shall responsibly review it from the perspective of the development of national economy, public health and environmental protection, and either approve or reject it.

Article 9 (Plan for tobacco production)

Tobacco shall be produced in accordance with the plan.

The State planning organ shall formulate and forward an accurate plan for tobacco production.

Institutions, enterprises and organizations that are not included in the plan shall not produce tobacco.

Article 10 (Production and procurement of leaf tobacco)

Leaf tobacco-producing institutions, enterprises and organizations shall produce quality leaf tobacco and have them procured in time. In this case inspection of the quality control organ shall be obtained.

Leaf tobacco shall be transferred only to the institutions, enterprises and organizations that are included in the plan.

Article 11 (Manufacture of tobacco)

Tobacco producer institutions, enterprises and organizations shall manufacture tobacco of good quality by modernizing their equipment and introducing advanced manufacturing technology.

Finished tobacco shall be transferred to the commercial institutions subject to the inspection of the quality control organ.

Article 12 (Packaging, inscription)

Tobacco producer institutions, enterprises and organizations

shall pack tobacco in compliance with the standard specifications.

The outside of the packet shall specify health warnings and contents of nicotine and tar.

Article 13 (Trademark)

Tobacco producer institutions, enterprises and organizations shall label the trademark registered as required by the Trademark Law.

The same tobacco produced by using the same raw material, manufacturing technology and method shall not bear different trademarks, decorations or inscriptions intended to appeal to consumers.

Article 14 (Equity or contractual joint venture, consignment processing)

Equity or contractual joint venture for tobacco production and consignment processing shall be undertaken subject to the relevant laws and regulations. Institutions, enterprises and organizations that wish to produce tobacco through equity or contractual joint venture, or consignment processing shall

obtain the consent of the Korean Tobacco Association.

License shall not be granted for tobacco production through equity or contractual joint venture, or consignment processing if the consent has not been obtained from the Korean Tobacco Association.

Article 15 (Import and export of tobacco)

Institutions, enterprises and organizations that wish to import or export tobacco, raw and other materials and equipment for tobacco production shall obtain the consent of the Korean Tobacco Association.

Formalities for the import or export of tobacco, and raw and other materials and equipment for tobacco production shall not be permitted to proceed if the consent of the Korean Tobacco Association has not been obtained.

Article 16 (Application for the consent to equity or contractual joint venture, consignment processing, import or export)

Institutions, enterprises and organizations that wish to undertake equity or contractual joint venture, or consignment

processing, and import or export raw and other materials and equipment for tobacco production shall submit in advance an application for consent to the Korean Tobacco Association. In this case information relevant to the review of the application shall be specified.

The application form shall be set by the Korean Tobacco Association.

Article 17 (Consent to equity or contractual joint venture consignment processing, export or import)

Upon receipt of an application for equity or contractual joint venture, consignment processing, export or import of raw and other materials and equipment for tobacco production, the Korean Tobacco Association shall review it within a period of 15 days, and decide either to approve or reject it.

The said decision shall be notified in time to the institutions, enterprises and organizations concerned.

Article 18 (Furnishing of information relevant to review of application)

The Korean Tobacco Association may require the

institutions, enterprises and organizations concerned to furnish information relevant to the review of the application for consent to equity or contractual joint venture, consignment processing, or export or import of tobacco or raw and other materials and equipment for tobacco production.

Institutions, enterprises and organizations concerned shall furnish in time the information required by the Korean Tobacco Association.

Article 19 (Restriction on export of leaf tobacco)

Leaf tobacco shall not be exported.

In case leaf tobacco is to be exported for unavoidable reasons, consent shall be obtained from the Korean Tobacco Association.

Article 20 (Tobacco produced for export purpose)

Institutions, enterprises and organizations shall export all of the tobacco that is produced for export purpose.

Tobacco produced for export purpose shall not be transferred to commercial institutions.

Article 21 (Inspection and quarantine of tobacco at the time of export or import)

The inspection and quarantine organ of exports and imports shall enforce stringent inspection and quarantine of the border-crossing tobacco, and raw and other materials and equipment for tobacco production.

Article 22 (Place of tobacco sale)

Only designated shops shall sell tobacco. The said shops shall not use vending machines.

Unlicensed shops and individuals shall be forbidden to sell tobacco.

Article 23 (Sale price of tobacco)

Tobacco shall be sold at the price set by the State price fixing organ.

The price shall not be arbitrarily altered.

Article 24 (Prohibition of sale to minors)

Tobacco shall not be sold to minors.

Article 25 (Prohibition of export, import or sale)

Tobacco shall not be exported, imported or sold in cases where:

1. it has not been subjected to quality inspection or not passed the inspection; and
2. outside of its packet or package does not contain health warnings, and contents of nicotine and tar

Article 26 (Prohibition of tobacco promotion)

Institutions, enterprises and organizations shall not carry out such acts as promoting tobacco for the purpose of facilitating its sale.

Article 27 (Places of smoking)

Citizens that wish to smoke shall smoke at designated places, making sure that cigarette ends are thrown in ash-stands.

Institutions, enterprises and organizations shall designate a separate place for smoking and ensure that it is maintained in a cultured and hygienic way.

Article 28 (Forbidden places of smoking)

Smoking shall be forbidden in the following places:

1. Revolutionary battle sites and revolutionary historic places;
2. Public places such as theatres, cinemas, culture halls, conference rooms and waiting rooms;
3. Nurseries, kindergartens, schools, hospitals, clinics, office rooms and shops;
4. Passenger planes, trains and ships, underground trains, buses and other public transports;
5. Sidewalks and stations;
6. Potential places of fire accident; and
7. Other forbidden places of smoking

Article 29 (Individuals forbidden tobacco)

Students are forbidden tobacco.

Educational institutions shall intensify education of students in the harmfulness of tobacco and enforce stringent control and inspection to prevent them from smoking.

Article 30 (Dissemination about harmfulness of tobacco)

Public health institutions, the media and institutions

concerned shall spread in various forms and ways knowledge about health effects of tobacco, and its adverse impact on environmental protection and economic development.

Article 31 (Korean Tobacco Association)

The Korean Tobacco Association, a non-standing body, shall be set up in the central guidance organ of foodstuff and daily necessities industry with a view to ensuring that the State policy concerning production, equity or contractual joint venture, consignment processing, export and import, and sale of tobacco is implemented to the letter.

The Korean Tobacco Association shall be composed of officials from foodstuff and daily necessities industry, public health, foreign trade, customs, quality control and tobacco production.

The said institution shall discuss and decide on measures for the implementation of the State policy on the production, equity or contractual joint venture, consignment processing, export and import and sale of tobacco and carry out such tasks as are set out in this Law.

Article 32 (Administrative liability)

Officials and individual citizens responsible for the following acts shall be subjected to corresponding administrative liability:

1. Producing tobacco without license;
2. Irresponsibly granting approval for tobacco production;
3. Producing tobacco not included in the plan;
4. Selling leaf tobacco to the institutions, enterprises and organizations that are not included in the plan;
5. Producing, importing or selling tobacco not bearing health warnings, and contents of nicotine and tar;
6. Undertaking equity or contractual joint venture, consignment processing, or exporting or importing tobacco, and raw and other materials and equipment for tobacco production without obtaining the consent of the Korean Tobacco Association;
7. Violating the order of tobacco sale; and
8. Smoking in a forbidden place

Article 33 (Criminal liability)

Where serious consequences are entailed by the acts listed in article 32, officials responsible thereto of the institutions, enterprises and organizations and individual citizens shall be subjected to criminal liability in accordance with the relevant provisions of the Criminal Law.