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AT THE SESSION ON 15 February 2017, THE NATIONAL ASSEMBLY ADOPTED THE RESTRICTION OF THE USE OF TOBACCO PRODUCTS ACT (ZOUTPI), HEREINAFTER REFERRED TO AS:

THE RESTRICTION

OF THE USE OF TOBACCO PRODUCTS ACT (ZOUTPI)

I. GENERAL PROVISIONS

Article 1
(Content)

Pursuant to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L no. 127 of 29 April 2014, p. 1), last amended with the Commission delegated Directive 2014/109/EU of 10 October 2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of graphic warnings to be used on tobacco products (OJ L no. 360 of 17 December 2014, p. 22); (hereinafter referred to as: Directive 2014/40/EU), and Directive 2003/33/EU of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of Member States relating to the advertising and sponsorship of tobacco products (OJ L no. 152 of 20 June 2003, p. 16), this Act shall lay down:

1. the measures for restricting the use of tobacco products and other related products and the measures and resources for preventing their harmful effects on health;
2. the maximum emission levels for tobacco products;
3. the obligations to report on the maximum emission levels for tar, nicotine, and carbon monoxide for cigarettes;
4. the labelling and packaging of tobacco products and other related products, including health warnings;
5. traceability and the security features used for tobacco products;
6. the prohibition on the placing on the market of tobacco for oral use;
7. the obligation to submit a notification of novel tobacco products;
8. the placing on the market of electronic cigarettes;
9. the placing on the market and labelling of herbal products for smoking;
10. the prohibition of advertising, promotion, and sponsoring of tobacco, tobacco products, and other related products;
11. the manner and restriction of the sale of tobacco products and other related products;

12. the prohibition of smoking and the use of tobacco products and related products in closed public spaces and work premises.

Article 2
(Procedure for providing information)

This Act shall be adopted taking into consideration the procedure for providing information pursuant to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services (OJ L no. 241 of 17 September 2015, p. 1).

Article 3
(Definition of terms)

The terms used in this Act shall have the following meanings:

1. Flavouring is an additive that imparts smell and/or taste.
2. A substantial change of circumstances shall be an increase in sales volumes by product category by at least 10% in at least five Member States of the European Union (hereinafter: the EU) based on sales data submitted in accordance with paragraph nine of Article 9 of this Act or an increase of the level of prevalence of use in the under 25 years of age consumer group (hereinafter: consumers) by at least five percentage points in at least five EU Member States for the respective product category based on the Special Eurobarometer 385 report of May 2012 or equivalent prevalence studies; in any case, a substantial change of circumstances is deemed not to have occurred if the sales volume of the product category at retail level does not exceed 2.5% of total sales of tobacco products at the EU level.
3. A smokeless tobacco product shall be a tobacco product not involving a combustion process, including chewing tobacco, nasal tobacco and tobacco for oral use.
4. A cigar shall be a roll of tobacco that can be consumed by a combustion process and is further defined in Article 83 of the Excise Duty Act (Official Gazette of the Republic of Slovenia [Uradni list RS], no. 47/16, hereinafter: Excise Duty Act).
5. A cigarette shall be a roll of tobacco that can be consumed via a combustion process and is further defined in Article 83 of the Excise Duty Act.
6. A cigarillo shall be a small type of cigar weighing a maximum of 3 g.
7. Cross-border distance sales shall be distance sales to consumers where, at the time the consumer orders the product from a retail outlet, the consumer is not located in the Member State or the third country where that retail outlet is established; a retail outlet is deemed to be established in an EU Member State:
   - in the case of a natural person: if he or she has his or her place of business in that Member State;
   - in other cases: if the retail outlet has its statutory seat, central administration or place of business, including a branch or any other establishment, in that EU Member State.
8. Placing on the market shall mean to make products available to consumers, irrespective of where the products are manufactured, for payment or otherwise, including by means of distance sales; in the case of cross-border distance sales, the product is deemed to be placed on the market in the EU Member State where the consumer is located.
9. Work premises shall be any space, including business vehicles, under the control of an employer in which works or services are provided for the employer for payment or otherwise. Work premises include not only areas in which work is done, but also

all related spaces used by workers during work, including e.g. hallways, elevators, stairwells, foyers, common areas, cafés, toilets, salons, canteens and extensions such as sheds and shacks.

10. An additive shall be any substance other than tobacco that is added to a tobacco product, a unit packet or any exterior packaging.
11. Donation or sponsorship of an event, activity or individual shall be any indirect or direct form of contribution to an event, activity or individual with the aim, effect or potential effect of promoting tobacco, tobacco products or related products or their use.
12. An electronic cigarette shall be a product that can be used for the consumption of nicotine by means of a mouth piece, or any component of that product, including a cartridge or tank, and the device without cartridge or tank. Electronic cigarettes may be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges.
13. Emissions shall be substances released when a tobacco or related product is consumed as intended, such as substances found in smoke, or substances released during the process of using smokeless tobacco products.
14. Appertaining land shall be an outdoor plot of land where a building is located that features developed areas servicing the building. These areas are mainly access paths and access roads, including entrances, playgrounds, yards, and green surfaces.
15. The name of the cigarette or roll-your-own tobacco type shall be the name used to distinguish this tobacco product from other tobacco products of the same brand.
16. Public space shall be a space accessible to the wider public or a space for common use, regardless of ownership or rights of access. These are spaces intended for providing activities in health care, nursery, child care, education, social care, hygiene care and other similar activities, transport, public transport, trade, hospitality and tourism, sport and recreation and culture, the use of which is intended for the general public under the same conditions. In particular, the public spaces referred to in the preceding paragraph include waiting rooms, meeting rooms, cinemas, theatres, health care, educational and social institutions, hospitality premises and shops, hairdressers, barbers and beauty salons, body care, pedicure, piercing and tattooing salons and similar salons, premises of societies that are accessible to the public, sports halls, public transport vehicles, lifts, cable cars, underpasses, gangways, passageways, staircases and corridors, public toilets and other spaces where individuals could be unwillingly exposed to the smoke of tobacco products or other related products.
17. A designated smoking room shall be an enclosed space that is physically separated from other enclosed spaces and arranged exclusively for smoking.
18. Tar shall be the raw anhydrous nicotine-free condensate of smoke.
19. Maximum level or maximum emission level shall be the maximum content or emission, including zero, of a substance in a tobacco product measured in milligrams.
20. Nicotine shall be nicotinic alkaloid.
21. A novel tobacco product shall be a tobacco product which:
    - does not fall into any of the following categories: cigarettes, roll-your-own tobacco, pipe tobacco, waterpipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or tobacco for oral use, and
    - which was placed on the market after 19 May 2014.
22. The advertising and promotion of tobacco, tobacco products and related product shall be any indirect or direct message, recommendation, action or other type of communication having the aim, effect or potential effect of promoting tobacco, tobacco products or related products and their use.
23. A refill container shall be a receptacle that contains a nicotine-containing liquid which can be used to refill an electronic cigarette.

24. A consumer shall be a natural person acquiring or using goods (products) or services for purposes not related to his/her commercial, business, craft or professional activity.
25. Related products shall be electronic cigarettes and nicotine-free electronic cigarettes, herbal products for smoking and novel tobacco products.
26. A retail outlet shall be any outlet where tobacco products are placed on the market, including by a natural person.
27. A manufacturer shall be a natural person or legal entity that manufactures a product or orders its design or production and markets the product under its name or brand.
28. An ingredient shall be tobacco, an additive, as well as any substance or element present in a finished tobacco product or related products, including paper, filter, ink, capsules and adhesives.
29. A combined health warning shall be a health warning consisting of a combination of a text warning and a corresponding photograph or illustration, as provided in greater detail in the implementing regulations issued based on paragraph three of Article 15 of this Act.
30. A wall or side of a building shall be any part of a space or any surface that borders the space at its sides, regardless of the type of material used and regardless of whether this surface is permanent or temporary. Associated walls of a space shall be all walls that are located under the roof, regardless of whether they touch the roof directly or not. If the walls are located at a distance from the roof (to the left, right, front, back), the closest wall shall be regarded as the associated wall.
31. An Information Society service shall be a service within the meaning of point 61 of Article 3 of the Electronic Communications Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 109/12, 110/13, 40/14 – ZIN-B and 54/14 – Constitutional Court Decision, and 81/15).
32. The roof or ceiling shall be any part of a space or any surface that borders or encloses a space at the top, regardless of the type of material used and regardless of whether this surface is permanent or temporary.
33. A tobacco product for smoking shall be a tobacco product other than a smokeless tobacco product.
34. Tobacco products shall be products that can be consumed which consist, even partly, of tobacco, whether genetically modified or not.
35. Tobacco shall be leaves and other natural processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco.
36. Nasal tobacco shall be a smokeless tobacco product that can be consumed nasally.
37. Tobacco for oral use shall be all tobacco products for oral use, except those intended to be inhaled or chewed, made wholly or partly of tobacco, in powder or in particulate form or in any combination of these forms, particularly those presented in sachet portions or porous sachets.
38. Pipe tobacco shall be tobacco that can be consumed by a combustion process and exclusively intended for use in a pipe.
39. Waterpipe tobacco shall be a tobacco product that can be consumed by waterpipe. For the purpose of this Act, waterpipe tobacco is deemed to be a tobacco product for smoking. If a product can be used both by waterpipe and as roll-your-own tobacco, it shall be deemed to be roll-your-own tobacco.
40. Roll-your-own tobacco shall be tobacco as defined in paragraph three of Article 84 of the Excise Duty Act.
41. Chewing tobacco shall be a smokeless tobacco product exclusively intended for chewing.
42. Toxicity shall be the degree to which a substance can cause adverse effects in the human organism, including effects occurring over a longer period of time, usually through repeated or continuous consumption or exposure.

43. The import of tobacco or related products shall be any entry into the European Union of such products which do not have the status of EU goods or goods imported from a third country pursuant to customs regulations and are not released on the free market within the EU in accordance with customs regulations.
44. An importer of tobacco or related products shall be the owner of, or a person having the right of disposal over, tobacco or related products brought into the European Union.
45. A pouch shall be a unit packet of roll-your-own tobacco, either in the form of a rectangular pouch with a flap that covers the opening or in the form of a standing pouch.
46. Enclosed space shall be a space covered by a roof, with more than a half of the surface of associated walls or sides being enclosed, regardless of the material used for the roof, walls and sides, and regardless of whether the building is permanent or temporary. Windows and doors shall be regarded as a part of the enclosed surface. If the roof surface is greater than half the surface of the space delimited by associated walls, and more than half of the surface of these walls is completely enclosed, the space is regarded as enclosed public space.
47. Addictiveness shall be the pharmacological potential of a substance to cause addiction, a state which affects an individual's ability to control his or her behaviour, typically by instilling a pleasant feeling or relief from withdrawal symptoms, or both.
48. A unit packet shall be the smallest individual packaging of a tobacco or related product that is placed on the market.
49. A health warning shall be a warning concerning the adverse effects on human health of a product or other undesired consequences of its consumption, including text warnings, combined health warnings, general warnings and information messages.
50. A herbal product for smoking shall be a product based on plants, herbs or fruits which contains no tobacco and that can be consumed by a combustion process.
51. A characterising flavour shall be a clearly noticeable smell or taste other than one of tobacco resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product.
52. A brand shall be a mark as defined by the Industrial Property Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 51/06 – officially consolidated text, and 100/13).
53. Exterior packaging shall be any packaging in which tobacco or related products are placed on the market and which includes a unit packet or an aggregation of unit packets; transparent wrappers are not regarded as outside packaging.

Article 4
(Inter-ministerial Coordination Group)

(1) For the purpose of implementing comprehensive social care for the protection of health of the population against the adverse effects of tobacco and related products, the Minister of Health shall form a coordination group consisting of the representatives of ministries competent for health, finances, and public administration, of authorities competent for carrying out the supervision of the provisions of this Act, the National Public Health Institute, the National Laboratory of Health, Environment and Food, and of the NGO’s participating in the implementation of preventive programmes in the areas governed by this Act, namely with the following tasks:

- to monitor the effects of tobacco and related products on the health of the population;

- to monitor the implementation of this Act, the strategy for minimising the consequences of tobacco use and implementation plans that include measures referred to in Article 5 of this Act.

(2) The strategy referred to in the preceding paragraph shall be prepared by the ministry competent for health (hereinafter: the Ministry) and shall be adopted by the Government of the Republic of Slovenia. The implementation plans referred to in the preceding paragraph shall be adopted by the Ministry.

Article 5
(Measures to prevent the adverse effects of the use of tobacco, tobacco products, and related products)

The following shall be measures to prevent the adverse effects of the use of tobacco, tobacco products, and other related products:
- monitoring the offer and use of tobacco, tobacco products and related products and the extent of adverse effects of their use on health;
- providing information, educating, and raising the awareness of the public and of individual groups of the population on the adverse effects of the use of tobacco, tobacco products and related products;
- programmes for the cessation of smoking and cessation of the use of tobacco, tobacco products and related products;
- preparing and implementing programmes to promote a healthy lifestyle among various age and social groups of the population and the evaluation of such programmes;
- professional consultation and support for institutions, associations, non-governmental organisations, local communities and individuals with regard to implementing preventive programmes to restrict the use of tobacco, tobacco products, and other related products.

Article 6
(Funding)

(1) Funds shall be be provided from the state budget for the implementation of the tasks of the coordination group referred to in Article 4 of this Act.

(2) Funds shall be provided from the state budget for the implementation of the strategy referred to in Article 4 of this Act and of the measures to prevent the adverse effects of the use of tobacco, tobacco products and other related products referred to in the preceding Article. The amount of funds shall be determined by the annual budget in proportion to the projected demand, and revenue from excise duties on tobacco products.

II. TOBACCO PRODUCTS

1. Ingredients and emissions

Article 7
(Maximum emission levels)

The maximum emission levels from cigarettes placed on the market or manufactured in EU Member States shall not be greater than:

- 10 mg of tar per cigarette;
- 1 mg of nicotine per cigarette;
- 10 mg of carbon monoxide per cigarette.

Article 8
(Measurement methods)

(1) The emission levels referred to in the preceding Article shall be determined on the basis of a method that is in accordance with the following standards:
- ISO 4387 for tar;
- ISO 10315 for nicotine;
- ISO 8454 for carbon monoxide.

(2) The accuracy of the data on emissions from cigarettes shall be determined on the basis of the method in accordance with ISO standard 8243.

(3) The measurements referred to in paragraphs one and two of this Article shall be conducted by the National Laboratory of Health, Environment and Food (hereinafter: NLZOH).

(4) The costs of verifying the measurements referred to in paragraph one of this Article shall be borne by the manufacturers and importers of tobacco products.

(5) The Minister shall lay down more detailed conditions with regard to the costs of verifying the measurements referred to in the preceding paragraph.

Article 9
(Reporting of ingredients and emissions)

(1) Prior to placing tobacco products on the market, manufacturers and importers of tobacco products shall officially inform NLZOH of every brand name and type of every tobacco product that they intend to place on the market. The official notification shall be submitted in electronic form and contain:
- a list of all ingredients and quantities thereof used in the manufacture of the tobacco products in descending order of the weight of each ingredient included in the products;
- the emission levels referred to in Article 7 of this Act;
- where available, information on other emissions and their levels.

(2) Manufacturers or importers shall inform NLZOH if the composition of a product is modified in a way that affects the information provided based on this Article.

(3) For new or modified tobacco products, the information required under this Article shall be submitted prior to the placing on the market of such tobacco products.

(4) The list of ingredients referred to in indent one of paragraph one of this Article shall be accompanied by a statement setting out the detailed reasons for the inclusion of such ingredients in the tobacco products concerned. That list shall also indicate the status of the ingredients, including whether they have been registered under Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93

and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L No. 396 of 30 December 2006, p. 1), last amended by Commission Regulation (EU) 2016/1688 of 20 September 2016 amending Annex VII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin sensitisation (OJ L No. 255 of 21 September 2016, p. 14), and their classification based on Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on the classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L No. 353 of 31 December 2008, p. 1), last amended by Commission Regulation (EU) 2016/1179 of 19 July 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on the classification, labelling and packaging of substances and mixtures (OJ L No. 195 of 20 July 2016, p. 11).

(5) The list referred to in indent one of paragraph one of this Article shall also be accompanied by the relevant toxicological data regarding these ingredients in burnt or unburnt form, as appropriate, that are available to the manufacturer or importer, referring in particular to their effects on the health of consumers and taking into account, inter alia, any addictive effects.

(6) Furthermore, for cigarettes and roll-your-own tobacco, a technical document setting out a general description of the additives used and their properties shall be submitted by the manufacturer or importer.

(7) Manufacturers and importers of tobacco products shall indicate the methods used to measure emissions from cigarettes and other tobacco products.

(8) The information referred to in paragraph one of this Article and Article 10 of this Act shall be published on the website of the NLZOH, taking into consideration the protection of data that are regarded as trade secrets. When supplying the data, the manufacturers and importers state which pieces of data are trade secrets.

(9) The manufacturers and importers of tobacco products shall submit to the NLZOH internal and external studies available to them on market research and preferences of various consumer groups, including young people and current smokers, relating to ingredients and emissions, as well as executive summaries of any market surveys they carry out when launching new tobacco products. Furthermore, manufacturers and importers shall report their sales volumes per brand and type, reported by stating the number of individual units or in kilograms, and per Member State on a yearly basis starting from 1 January 2015.

(10) The NLZOH shall charge manufacturers and importers of tobacco products fees for receiving, storing, processing, analysing, and publishing the data submitted based on this Article.

(11) The Minister shall determine more detailed conditions regarding the reporting referred to in this Article.

Article 10
(Priority list of additives and stricter reporting obligations)

(1) In addition to the reporting obligations laid down in the preceding Article, manufacturers and importers of tobacco products shall also report to the NLZOH on additives contained in cigarettes and roll-your-own tobacco that are included in a priority list. This list contains additives referred to in paragraph one of Article 6 of Directive 2014/40/EU.

(2) The manufacturers and importers of cigarettes and roll-your-own tobacco containing an additive that is included in the priority list shall carry out comprehensive studies to examine each additive to determine if it:

- contributes to the toxicity or addictiveness of the products concerned, and whether this has the effect of increasing the toxicity or addictiveness of the product in question concerned to a significant or measurable degree;
- results in a characterising flavour;
- facilitates inhalation or increases nicotine uptake; or
- leads to the formation of substances that have toxic, addicting and carcinogenic, mutagenic or reprotoxic properties (hereinafter “CMR properties”), the quantities thereof, and whether this has the effect of increasing the CMR properties in any of the products concerned to a significant or measurable degree.

(3) The studies referred to in the preceding paragraph shall contain the intended use of the products concerned and examine the emissions resulting from the combustion process involving the additive concerned. The studies shall also examine the interaction of such additive with other ingredients contained in the products concerned. Manufacturers and importers of tobacco products using the same additive in their tobacco products may carry out a joint study when using this additive in a product with comparable composition.

(4) Manufacturers and importers of tobacco products shall draft a report on the results of the studies referred to in paragraph two of this Article, which shall include an executive summary, and a comprehensive overview of the available scientific literature on this additive and summarising internal data on the effects of the additive.

(5) Manufacturers and importers of tobacco products shall submit the report referred to in the preceding paragraph to the European Commission and a copy thereof to the NLZOH at the latest 18 months after the additive concerned has been added to the priority list.

(6) Small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L No. 124 of 20 May 2003, p. 36) shall be exempt from the obligations pursuant to this Article if a report on this additive is prepared by another manufacturer or importer.

(7) On the basis of the implementing acts of the European Commission, the Minister shall lay down the priority list of additives.

Article 11
(Characterising flavour)

(1) The placing on the market of cigarettes and roll-your-own tobacco with a characterising flavour is prohibited.

(2) In the manufacture of tobacco products, additives may be used which are essential for the manufacture of tobacco products, such as sugar to replace sugar that

is lost during the process, provided these additives do not result in a product with a characterising flavour and do not increase to a significant or measurable degree the addictiveness or CMR properties of the tobacco product.

(3) Pursuant to paragraph two of Article 7 of Directive 2014/40/EU, the European Commission shall decide whether a product has a characterising flavour.

Article 12
(Prohibited additives)

(1) It is prohibited to place on the market tobacco products containing the following additives:
- vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;
- caffeine or taurine or other additives and stimulant compounds associated with energy and vitality;
- additives having colouring properties for emissions;
- for tobacco products for smoking, additives that facilitate inhalation or increase nicotine uptake; and
- additives that have CMR properties in unburnt form.

(2) It is prohibited to place on the market cigarettes and roll-your-own tobacco containing flavourings in any of their components such as filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity. Filters, papers and capsules shall not contain tobacco or nicotine.

(3) It is prohibited to place on the market tobacco products which, based on scientific evidence, contain additives in quantities that increase the toxic or addictive effect, or the CMR properties of a tobacco product at the stage of consumption to a significant or measurable degree.

(4) Pursuant to its work programme, the NLZOH shall carry out assessments to determine whether a particular tobacco product on the market contains prohibited additives or flavourings and whether any tobacco product contains additives in amounts that substantially or measurably increase the toxic or addictive effect or enhance the CMR properties of the tobacco product. The NLZOH shall charge manufacturers and importers of tobacco products fees for carrying out such assessments.

2. Labelling and packaging

Article 13
(Health warnings)

(1) Each unit packet of a tobacco product and any outside packaging shall carry health warnings in the Slovenian language.

(2) Health warnings shall cover the entire surface of the unit packet or outside packaging that is reserved for them and they shall not be commented on, interpreted or referred to in any form.

(3) When tobacco products are placed on the market, the health warnings on a unit packet and any outside packaging must be irremovably printed, indelible and fully visible, including not being partially or totally obscured or interrupted by tax stamps, price marks, security features, wrappers, jackets, boxes or other items. On unit packets of tobacco products other than cigarettes and roll-your-own tobacco in pouches, health warnings may be affixed by means of stickers, provided that such stickers are irremovable. Health warnings shall remain intact when the unit packet is opened, other than packets with a flip-top lid, where the health warnings may be split when the packet is opened, but only in a manner that ensures the graphic integrity and visibility of the text, photographs and cessation information.

(4) Health warnings shall in no way obscure or interrupt the tax stamps, price marks, tracking and tracing marks or security features on unit packets.

(5) The dimensions of the health warnings provided for in Articles 14, 15 and 16 of this Act shall be calculated in relation to the surface concerned when the packet is closed.

(6) Health warnings shall be surrounded by a black border of a width of 1 mm inside the surface area reserved for these warnings.

Article 14
(General warnings and information messages)

(1) Each unit packet and any outside packaging of tobacco products for smoking shall carry the following general warning:
“Smoking kills – quit now.”

(2) Each unit packet and any outside packaging of tobacco for smoking shall carry the following message:
“Tobacco smoke contains over 70 substances known to cause cancer.”

(3) For cigarette packets and roll-your-own tobacco in cuboid packets, the general warning shall appear on the bottom part of one of the lateral surfaces of the unit packets, and the information message shall appear on the bottom part of the other lateral surface. These health warnings shall have a width of not less than 20 mm.

(4) For packets in the form of a shoulder box with a hinged lid that result in the lateral surfaces being split into two when the packet is open, the general warning and information message shall appear in their entirety on the larger parts of these split surfaces. The general warning shall also appear on the inside of the top surface that is visible when the packet is open. The lateral surfaces of the packet shall have a height of not less than 16 mm.

(5) For roll-your-own tobacco marketed in pouches, the general warning and information message shall appear on surfaces that ensure the full visibility of health warnings. For roll-your-own tobacco in cylindrical packets, the general warning shall appear on the outer surface of the lid and the information message on the inner surface of the lid.

(6) Both the general warning and the informative message shall cover 50% of the surfaces on which they are printed.

(7) The general warning and information message shall be:

- printed in black Helvetica bold type on a white background; and
- at the centre of the surface reserved for them, and on cuboid packets and any outside packaging they shall be parallel to the lateral edge of the unit packet or the outside packaging.

(8) The Minister shall lay down detailed conditions with regard to general warnings and informative messages.

Article 15
(Combined health warnings)

(1) Each unit packet and any outside packaging of tobacco products for smoking shall carry combined health warnings. Combined health warnings:

1. contain one of the text warnings and a corresponding colour photograph specified in the picture library, laid down in the regulation governing combined health warnings on tobacco products for smoking;
2. include smoking cessation information, such as telephone numbers, email addresses or internet sites intending to inform consumers about programmes that are available to support persons who want to stop smoking;
3. show the same text warning and corresponding colour photograph on both sides of unit packets and any outside packaging;
4. appear at the top edge of a unit packet and any outside packaging, and be positioned in the same direction as any other information appearing on that surface of the packaging;
5. in the case of unit packets of cigarettes, respect the following dimensions:
   - height: not less than 44 mm;
   - width: not less than 52 mm, and
6. cover 65% of both the outer front and back surface of the unit packet and any outside packaging. Cylindrical packets shall display two combined health warnings, equidistant from each other, each covering 65% of their respective half of the curved surface;

(2) Combined health warnings are grouped into three sets and each set shall be used in a given year and rotated on an annual basis. Each combined health warning available for use in a given year shall be displayed in equal numbers on each brand of tobacco products.

(3) The Minister shall determine the detailed conditions for combined health warnings.

Article 16
(Labelling of smokeless tobacco products)

(1) Each unit packet and any outside packaging of smokeless tobacco products shall carry the following health warning:
“This tobacco product damages your health and is addictive.”

(2) The health warning laid down in the preceding paragraph shall comply with the requirements specified in paragraph seven of Article 14 of this Act. The text of the health warnings shall be parallel to the main text on the surface reserved for these warnings.

(3) The health warning shall appear on the two largest surfaces of the unit packet and any outside packaging and cover 30% of the surfaces of every unit packet and any outside packaging.

Article 17
(Product presentation)

(1) The labelling of unit packs and any outside packaging and the tobacco product itself shall not include any element or feature that:
- promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions; labels shall not include any information about the nicotine, tar or carbon monoxide content of the tobacco product;
- suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- refers to taste, smell, any flavourings or other additives or the absence thereof;
- resembles a food or a cosmetic product;
- suggests that a certain tobacco product has improved biodegradability or other environmental advantages.

(2) The unit packets and any outside packaging shall not provide economic advantages by including printed vouchers offering discounts, free distribution, two-for-one or other similar offers.

(3) The elements and features that are prohibited pursuant to paragraphs one and two of this Article may include, but are not limited to texts, symbols, names, brands, figurative or other signs.

(4) It is prohibited to manufacture or supply cigarettes or roll-your-own tobacco if any part of the packaging in which the product is prepared or intended to be prepared for retail sale:
- produces sound; or
- contains or emits odour
- that is normally not related to tobacco product packaging.

(5) The restrictions referred to in the preceding paragraph shall not apply to the smell in the cigarette or roll-your-own tobacco packaging which results from the production process and gives the cigarettes or the roll-your-own tobacco a characterising flavour.

(6) It is prohibited to manufacture or supply cigarettes or roll-your-own tobacco if the packaging in which the product is prepared or intended for retail sale includes any element that causes an alteration to the packaging after the product is sold. The elements referred to in the preceding paragraph particularly include:
1. heat-activated ink,
2. ink or decorative enhancements that gradually become visible over time,
3. ink that is visible under certain fluorescent lights,
4. surfaces that reveal a picture or a text upon scratching,
5. removable stickers,
6. expandable or pop-up inserts.

Article 18
(Appearance and content of unit packets of cigarettes)

(1) Unit packets of cigarettes shall have a cuboid shape. A unit packet of cigarettes may consist of carton or soft material and shall not have an opening that can be re-closed or re-sealed after it is first opened, other than a flip-top lid and shoulder box with a hinged lid. For packets with a flip-top lid and hinged lid, the lid shall be hinged only at the back of the unit packet. A unit packet of cigarettes shall include at least 20 cigarettes.

(2) The unit packets of cigarettes and internal surfaces thereof may only be of a prescribed colour laid down in the regulation governing the single packaging of tobacco products. The sheathing covering the packet of cigarettes, the tape for opening, or any other part of the packaging of cigarettes shall have the colour and appearance laid down in the regulation governing the single packaging of tobacco products.

(3) On the unit packets and outside packaging of cigarettes, provided that the general warning, combined health warning, or information messages are not covered, there may be a printed text indicating the brand and name of cigarettes type; however, the brand and type name may appear only once on the following surfaces:
the front surface of the unit packet and outside packaging,
one of the smallest surfaces of the unit packet and outside packaging, and
the opposite smallest surface of the unit packet and outside packaging;

(4) The unit packets and external surfaces of cigarettes packets may be printed with text which gives details about the manufacturer and the number of cigarettes, bar code, and other identification code or security element.

(5) The Minister shall lay down detailed conditions on the appearance of cigarette packets and outer packaging of cigarettes.

Article 19
(Appearance and content of roll-your-own tobacco packets)

(1) Unit packets of roll-your-own tobacco shall have a cuboid or cylindrical shape, or the form of a pouch. A unit packet of roll-your-own tobacco shall contain tobacco weighing not less than 30 g.

(2) The unit packets of roll-your-own tobacco and internal surfaces thereof may only be of prescribed colour which are laid down in the regulation governing the single packaging of tobacco products. The sheathing covering the packet of roll-your-own tobacco, the tape for opening, or any other part of the packaging of roll-your-own tobacco shall have the colour and appearance laid down in the regulation governing the single packaging of tobacco products.

(3) On the unit packets and outside packaging of roll-your-own tobacco if the unit packet has a cuboid shape or if the outside packet does not have a cylindrical shape, the brand and the name of the tobacco type may appear only once on each of the following surfaces:
- the front surface of the unit packet and outside packaging,
- one of the smallest surfaces of the unit packet and outside packaging, and
- the opposite smallest surface of the unit packet and outside packaging.

(4) On a unit packet and outside packaging of cylindrical shape, the brand and tobacco type name may appear only once on each of the following surfaces:
- the front surface of the unit packet and outside packaging,
- the back surface of the unit packet and outside packaging, and
- the lid of the unit packet and outside packaging.

(5) On a unit packet and outside packaging in the form of a pouch, the brand and type name may appear only once on each of the following surfaces, provided that it does not cover the general warning, combined health warnings or informative messages:
- the front surface of the unit packet and outside packaging,
- the back surface of the unit packet and outside packaging, and
- on the inside of the flap.

(6) The unit packets and external surfaces of the packaging of roll-your-own tobacco may be printed with text which gives details about the manufacturer and the weight of the contents in grams, the bar code, and other identification code or security element.

(7) Cigarette papers and filters may be enclosed with a unit packet or the outer packaging of roll-your-own tobacco; however, they may not be visible before the packaging is opened.

(8) The Minister shall lay down detailed conditions on the appearance of unit packets of roll-your-own tobacco and its outer packaging.

Article 20
(Appearance of cigarettes)

(1) The only colour or tone permitted on, or for, the paper, housing, filter or other material that forms a part of a cigarette (apart from the contained tobacco) is normal white with a matt finish, where:
- there may be a printed text specifying the brand of the cigarette and the type of the cigarette, but only if all detailed conditions prescribed by the Minister responsible for health are met, and
- the paper or wrapping enclosing the end of the cigarette which is not intended for lighting up may be coloured in the tone of cork.

(2) The Minister shall determine more detailed conditions on the appearance of cigarettes.

Article 21
(Industrial property rights)

The provisions of Articles 18, 19 and 20 of this Act do not prohibit the registration of a brand in accordance with the Act governing industrial property rights, and shall be a legitimate reason for the non-use of the brand.

Article 22
(Traceability)

(1) Unit packets of tobacco products are marked with a unique identifier. In order to ensure the integrity of the unique identifier, it shall be irremovably printed or affixed, indelible and not otherwise damaged so that it becomes illegible, hidden or interrupted by tax stamps or price marks, or by the opening of the unit packet.

(2) The unique identifier shall allow the following to be determined:

1. date and place of manufacture;
2. the manufacturing facility;
3. the machine used to manufacture the tobacco products;
4. the production shift or duration of manufacture;
5. the product description;
6. the intended market of retail sale;
7. the intended shipment route;
8. the importer;
9. the actual shipment route from manufacturing to the first retail outlet, including all warehouses used, as well as the shipment date, shipment destination, point of departure and consignee;
10. the identity of all purchasers from manufacturing to the first retail outlet; and
11. the invoice, order number and payment records of all purchasers from manufacturing to the first retail outlet.

(3) The information referred to in points 1–8 of the preceding paragraph shall form part of the unique identifier.

(4) The information referred to in points 9, 10 and 11 of paragraph two of this Article is electronically accessible by means of a link enabling immediate electronic access to the unique identifier.

(5) The economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, record the entry of all unit packets into their possession, as well as all intermediate movements and the final exit of the unit packets from their possession. This obligation may be complied with by labelling and recording aggregated packaging such as cartons, mastercases, or pallets, provided that the unique and unambiguous tracking and tracing of all unit packets remains possible.

(6) The economic operators referred to in the preceding paragraph shall maintain records of all relevant transactions.

(7) The manufacturers of tobacco products shall provide all economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, including importers, warehouses and transporting companies, with the equipment needed to record tobacco products purchased, sold, stored, transported or otherwise handled. This equipment shall be able to read and transmit the recorded data electronically to a data storage facility pursuant to paragraph eight of this Article.

(8) The manufacturers and importers of tobacco products shall enter into contracts on the retention of data referred to in paragraph two of this Article with an independent third party for the purpose of hosting memory for storing such data. The storage facility for storing data must be in the EU. The activities of third parties are monitored by an external auditor proposed by and paid for by manufacturers of tobacco products, approved by the European Commission. The external auditor shall submit to the Ministry and the European Commission an annual report assessing any violations concerning irregularities with regard to access. Full access to the memory for data

storage shall be enabled to the European Commission, the Ministry and the external auditor. In duly justified cases, access to stored data shall be allowed to manufacturers or importers of tobacco products. Information regarded as a trade secret should be adequately protected in accordance with EU law and regulations governing companies.

(9) Economic operators involved in the trade of tobacco products may not modify or delete recorded data, except in the case of error, while the system must allow an audit trail of all revisions. Data must be properly kept for two years as of the date when they were recorded for the purpose of effectively implementing control over this Act.

(10) Personal data shall be processed in accordance with the regulations governing the protection of personal data.

(11) The Minister together with the minister responsible for finance shall determine detailed terms and conditions concerning the traceability of packets and packages of tobacco products.

Article 23
(Security feature)

(1) In addition to the unique identifier referred to in the preceding Article, all unit packets of tobacco products which are placed on the market shall carry a tamper-proof security feature consisting of visible and invisible elements. The security feature shall be irremovably printed or affixed, indelible and not otherwise damaged so that it becomes illegible, hidden or interrupted by tax stamps or price marks, or through other elements referred to in this Act.

(2) Tax stamps or national identification codes may be used as a security feature if they meet the requirements referred to in the preceding paragraph.

(3) The Minister together with the minister responsible for finance shall determine detailed technical standards for the security feature and their possible alternating use and adjustment to scientific, market, and technological developments, taking into consideration the implementing acts of the European Commission.

III. TOBACCO FOR ORAL USE AND NOVEL TOBACCO PRODUCTS

Article 24
(Tobacco for oral use)

It is prohibited to place tobacco for oral use on the market.

Article 25
(Notification of novel tobacco products)

(1) Manufacturers and importers of novel tobacco products shall submit a notification to the NLZOH of any such product that they intend to place on the market. The official notification shall be submitted in electronic form six months prior to the intended placing of the product on the market. It shall be accompanied by a detailed description of the novel tobacco product concerned, as well as instructions for its use and information on ingredients and emissions in accordance with Article 9 of this Act.

Manufacturers and importers submitting an official notification shall also provide the following:

- available scientific studies on toxicity, addictiveness and attractiveness of the novel tobacco product, particularly regarding its ingredients and emissions;
- available studies, executive summaries thereof and market research on the preferences of various consumer groups, including young people and current smokers;
- other available and relevant information, including a risk/benefit analysis of the product, its expected effects on the cessation of tobacco consumption, its expected effects on the initiation of tobacco consumption, and predicted consumer perception.

(2) Manufacturers and importers of novel tobacco products shall submit to the NLZOH any new or updated information on the studies, research or other information referred to in the preceding paragraph if the NLZOH deems that this is required due to changed circumstances. Manufacturers or importers of novel tobacco products may be required by the NLZOH to carry out additional tests or submit additional information on these products.

(3) The Minister shall lay down the form and manner of providing notifications on novel tobacco products.

IV. ELECTRONIC CIGARETTES AND HERBAL PRODUCTS FOR SMOKING

Article 26
(Electronic cigarettes)

(1) Manufacturers and importers of electronic cigarettes and refill containers shall submit an official notification to the NLZOH on any such products which they intend to place on the market. The official notification shall be submitted in electronic form six months prior to the intended placement on the market. A new official notification shall be submitted for each modification of the product.

(2) Depending on whether the product is an electronic cigarette or a refill container, the official notification shall contain the following information:

1. the name and contact details of the manufacturer, a responsible legal entity or natural person in the Republic of Slovenia and, if applicable, the importer into the Republic of Slovenia;
2. a list of all ingredients contained in, and emissions resulting from the use of, the liquid, by brand name and type, including quantities thereof;
3. toxicological data regarding the liquid's ingredients and emissions, including when heated, referring in particular to their effects on the health of consumers when inhaled, and taking into account, inter alia, any addictive effect;
4. information on nicotine doses and uptake during consumption, in accordance with the manufacturer's instructions;
5. a description of the components of the product, including the opening and refill mechanism of the electronic cigarette or refill containers;
6. a description of the production process, including whether it involves series production, and a declaration that the production process ensures conformity with the requirements of this Article;
7. a declaration that the manufacturer and importer bear full responsibility for the quality and safety of the product when placed on the market and during consumption, in accordance with the manufacturer's instructions.

(3) Electronic cigarettes and refill containers must fulfil the following conditions:

1. nicotine-containing liquid is placed on the market only in dedicated refill containers not exceeding a volume of 10 ml. The cartridges or tanks in disposable electronic cigarettes or in single-use cartridges do not exceed a volume of 2 ml;
2. the nicotine-containing liquid does not contain nicotine in excess of 20 mg/ml;
3. the nicotine-containing liquid does not contain the additives referred to in paragraph one of Article 12 of this Act;
4. only ingredients of high purity are used in the manufacture of the nicotine-containing liquid. Substances other than the ingredients referred to in point two of paragraph two of this Article are present in the nicotine-containing liquid only in trace amounts if such traces are technically unavoidable during manufacture;
5. except for nicotine, only ingredients that pose no risk to human health in heated or unheated form are used in the nicotine-containing liquid;
6. while being used, electronic cigarettes deliver nicotine doses at consistent levels, in accordance with the manufacturer's instructions;
7. electronic cigarettes and refill containers are child- and tamper-proof, are protected against unauthorised activities, breakage and leakage and have a mechanism that ensures refilling without leakage.

(4) Unit packets of electronic cigarettes and refill containers include a leaflet with information on:

1. the instructions for use and storage of the product, including a reference that the product is not recommended for use by young people or non-smokers;
2. contra-indications;
3. warnings for specific risk groups;
4. possible adverse effects;
5. addictiveness and toxicity; and
6. contact details of the manufacturer or importer and a legal entity or natural person for contact in the Republic of Slovenia.

(5) Unit packets and any outside packaging of electronic cigarettes and refill containers must:

1. include a list of all ingredients contained in the product in descending order of weight, and an indication of the nicotine content of the product and delivery per dose, the batch number and a recommendation to keep the product out of reach of children;
2. without prejudice to the preceding point, not include elements or features referred to in Article 17 of this Act, with the exception of indents one and three of paragraph one of Article 17 concerning information on the nicotine content and on flavourings, and carry the following health warning that is in compliance with the requirements specified in paragraphs two and three of Article 16 of this Act:
   "This product contains nicotine, which is a highly addictive substance. It is not recommended for use by non-smokers."

(6) Manufacturers and importers of electronic cigarettes and refill containers shall annually submit to the NLZOH:

- comprehensive data on sales volumes, separately by brand name and type of product;
- information on the preferences of various consumer groups, including young people, non-smokers and the main types of current users;
- product sale methods; and
- executive summaries of any market surveys carried out in respect of the above, including an English translation thereof.

(7) The National Institute of Public Health (hereinafter “NIJZ”) shall monitor market developments concerning electronic cigarettes and refill containers, including any evidence that their use is a gateway to nicotine addiction and ultimately traditional tobacco consumption among young people and non-smokers.

(8) The information received pursuant to paragraph two of this Article must be made publicly available on the NLZOH website. When making this information publicly available, the need to protect trade secrets shall be duly taken into account.

(9) Manufacturers, importers, and distributors of electronic cigarettes and refill containers shall establish and maintain a system for collecting information about all of the suspected adverse effects on human health of these products and forward this information to the Health Inspectorate of the Republic of Slovenia.

(10) If any of the economic operators referred to in the preceding paragraph consider, or have reason to believe that electronic cigarettes or refill containers which are in their possession and are intended to be placed on the market or are placed on the market are not safe or not of good quality or are otherwise not in conformity with this Act, the economic operator shall immediately take the necessary measures to bring the product concerned into conformity with this Act, to withdraw or recall it, as appropriate. In such cases, the economic operator shall also be required to immediately inform bodies controlling the implementation of this Act, giving details, in particular, of the risk to human health and safety and of any measures taken pursuant to this paragraph, and of the results of such measures.

(11) At the request of the Health Inspectorate of the Republic of Slovenia, the economic operators referred to in paragraph nine of this Article shall also submit additional information on the safety and quality aspects or any adverse effects of electronic cigarettes or refill containers.

(12) In the case of electronic cigarettes and refill containers that comply with the requirements of this Article, where the NLZOH ascertains or has reasonable grounds to believe that specific electronic cigarettes or refill containers, or a type of electronic cigarette or refill container, could present a serious risk to human health, the NLZOH shall immediately inform the Health Inspectorate of the Republic of Slovenia about the findings.

(13) The NLZOH may charge manufacturers and importers of electronic cigarettes and refill containers fees for receiving, processing, and analysing the data submitted to it.

(14) The Minister shall lay down detailed conditions with regard to the official notification concerning electronic cigarettes and refill containers referred to in the first paragraph of this Article, and other conditions which must be fulfilled by electronic cigarettes and refill containers referred to in this Article.

Article 27
(Herbal products for smoking)

(1) Each unit packet and any outside packaging of herbal products for smoking shall carry the following health warning:
“Smoking this product damages your health.”

(2) The health warning laid down in the preceding paragraph shall be printed on the front and back external surface of the unit packet and on any outside packaging.

(3) The health warning shall comply with the requirements set out in paragraph seven of Article 14 of this Act and cover 30% of the area of the corresponding surface of the unit packet and any outside packaging.

(4) The unit packets and any outside packaging of herbal products for smoking shall not include any of the elements or features set out in indents one, two and four of paragraph one of Article 17 of this Act and shall not state that the product is free of additives or flavourings.

Article 28
(Reporting of ingredients of herbal products for smoking)

(1) Manufacturers and importers of herbal products for smoking shall submit to the NLZOH a list of all ingredients and quantities thereof used in the manufacture of such products by brand name and type. The official notification shall be submitted in electronic form six months before the intended placement on the market of a new or modified herbal product for smoking. Manufacturers or importers of herbal products shall inform the NLZOH if the composition of a product is modified in a way that affects the information provided under this Article.

(2) The information referred to in the preceding paragraph of this Article shall be made publicly available on the NLZOH website. When making this information publicly available, the need to protect trade secrets shall be duly taken into account.

(3) The Minister lays down the detailed conditions on the reporting procedures on the ingredients of herbal products for smoking.

ADVERTISING, PROMOTING, SPONSORSHIP, AND SALE

Article 29
(Advertising)

(1) It shall be prohibited to donate to or sponsor any event, activity or individual or to directly or indirectly advertise and promote tobacco, tobacco products and related products, including via information society services.

(2) Exhibiting individual products at points of sale is deemed indirect advertising of tobacco, tobacco products and related products. Retailers shall store all the aforementioned products in such a way that they are not visible or accessible to the public. At each retail outlet, a maximum of one notification that the products referred to in the preceding paragraph are sold at a retail outlet shall be published in a visible place (A4 – 210 x 297 mm). Promotional gifts, vouchers, stamps and discount coupons or any other similar offers related to the purchase of tobacco, tobacco products and related products shall be prohibited. Promoting the sale of tobacco, tobacco products and related products shall be prohibited.

(3) Displaying brands and other marks for marking tobacco, tobacco products and related products on items that are not tobacco, tobacco products or related products in accordance with this Act shall be deemed indirect advertising of

such products. The supply of tobacco, tobacco products and related products free of charge in a public place and in public spaces shall be deemed indirect advertising.

(4) Indirect advertising is deemed to occur when the name, mark, brand, logo, commercial designation or any other distinctive feature, including special colour combinations of tobacco, tobacco products and related products, resembles another product or service in such a way that tobacco, tobacco products and related products may be linked with such a product or service.

(5) Indirect advertising is also deemed to occur when the name, mark, brand, logo, commercial designation or any other distinctive feature, including special colour combinations of another product or service, resembles tobacco, tobacco products and related products or the company manufacturing such products in such a way that these products may be linked with such a product or service.

(6) It shall be prohibited to advertise products that may through their appearance and intended use promote the consumption of tobacco, tobacco products and related products.

(7) It shall be prohibited to show and use tobacco, tobacco products and related products on television and in public performances intended for persons younger than 18, except in films, serials and series.

(8) The publication of data on the quality and other features of tobacco, tobacco products and related products in specialised books and magazines and publications intended solely for providing information to the producers and vendors of such products, provided that their distribution is limited to such persons or companies, is not regarded as advertising in accordance with the provisions of this Article.

Article 30
(Prohibition of sale)

(1) It shall be prohibited to sell tobacco, tobacco products and related products to persons younger than 18. Such products may not be sold by persons younger than 18.

(2) The prohibition on selling the products referred to in the preceding paragraph to persons younger than 18 shall be declared in a visible place in retail outlets for such products.

(3) It shall be prohibited to sell tobacco, tobacco products and related products from vending machines. It shall be prohibited to sell tobacco, tobacco products and related products in a manner which enables direct accessibility to such products. It shall be prohibited to sell tobacco, tobacco products and related products at temporary points of sale and mobile points of sale; kiosks installed in accordance with the provisions of local community shall not be considered as mobile points of sale under this Act.

(4) It shall be prohibited to sell single cigarettes and tobacco and related products except in the manufacturer’s original packaging.

(5) It shall be prohibited to place on the market tobacco, tobacco products and related products via the internet, telecommunications or any other developing technology or cross-border distance sales.

(6) Manufacturing, placing on the market and cross-border distant sales of sweets, snacks, toys or other items in the shape of tobacco and related products intended for persons younger than 18 shall be prohibited.

Article 31
(Age limit)

A vendor may require that any person buying tobacco, tobacco products and related products prove his/her age using a public document. The vendor may not sell tobacco products or any related products to any person who refuses to do so.

VI. LICENSING FOR THE SALE OF TOBACCO, TOBACCO PRODUCTS AND OTHER RELATED PRODUCTS

Article 32
(Licence)

(1) A licence shall be required to sell tobacco, tobacco products and related products in a business area specified in the licence (hereinafter: licence).

(2) The licence shall be issued by the Ministry.

(3) The license shall be issued for a specific business area in which there is continuous, intermittent or temporary invoicing for the supply of tobacco, tobacco products and related products, and which is linked to an individual sole trader or legal entity (hereinafter referred to as business entity) who sells such products in this business area.

(4) The licence shall be valid for five years as of the date of issue, with the possibility of renewal, each time for five years.

(5) The licence shall be marked with an identification number, date of validity, the name or business name and address of a business entity of the business area for which it was issued.

Article 33
(Application)

(1) An application for the acquisition or renewal of the licence shall be submitted by the business entity for each separate business area in electronic form to the Ministry.

(2) The application referred to in the preceding paragraph shall contain the name of the business entity, name of the responsible person of the business entity, the tax number of the business entity and the registration number of the business unit, as well as the address of the business area where tobacco, tobacco products and related products are sold.

(3) An administrative fee in accordance with the regulations governing administrative fees shall be charged for the administrative procedure and issue of the decision.

Article 34
(Issuing of licence, data on the licence and licence visibility)

(1) In accordance with the application referred to in the preceding Article, the Ministry shall issue a licence on a special form authorising the sale of tobacco, tobacco products and related products to a business entity for a specific business area.

(2) No appeal shall be permitted against a decision which does not allow the sale of tobacco, tobacco products and related products; however, an administrative (judicial) review shall be permitted.

(3) The licence shall be visibly displayed at the retail outlet.

(4) The Minister shall determine the detailed terms and conditions regarding the procedure and method for submitting the application and the specific form set out in the preceding Article electronically and for issuing the licence referred to in paragraph one of this Article.

Article 35
(Register of premises for the sale of tobacco,
tobacco products and other related products)

(1) For the purpose of monitoring the sale of tobacco, tobacco products and related products, the Ministry shall establish IT support for a system for licensing the sale of tobacco, tobacco products and related products, as well as administer and maintain a register of premises in which the sale of tobacco, tobacco products and related products is carried out (hereinafter: the register) and in which the following information shall be recorded:

1. the name or business name of a business entity, the person responsible at the business entity,
2. the address of the business premises for which the license is issued,
3. the identification number of the license,
4. the date of validity of the license, and
5. data on the prohibition of the sale of tobacco, tobacco products and related products and the prohibition of re-acquiring the license for selling such products imposed in accordance with Article 38 of this Act.

(2) For the purposes of inspection under the provisions of this Act, access to the register, the Market Inspectorate of the Republic of Slovenia and the Financial Administration of the Republic of Slovenia shall have access to the register.

(3) The Ministry shall publish on its website the list of business premises, together with the name or the company name of the business entity on which the prohibition of the sale of tobacco, tobacco products, and other related products was imposed on the basis of Article 38 of this Act or whose sales license was withdrawn.

(4) For the purpose of setting up and operating the register, the Ministry shall have free access to information in the records of the Slovenian Business Register of the Agency of the Republic of Slovenia for Public Legal Records and Related Services

Article 36

(Transfer of the licence)

The licence shall not be transferable.

Article 37
(Conditions for renewing and re-acquiring the licence)

(1) The condition for renewing the license is that, when submitting the application, no ban is imposed on the holder of the license for the business premises for the sale of tobacco, tobacco products and related products.

(2) The condition for re-acquiring the license is that, when submitting the application, no ban regarding the re-acquiring of the license has been imposed on the business entity for the business premises regarding which the application for re-acquiring the license has been filed.

Article 38
(Prohibition of sale and licence withdrawal)

(1) The Ministry may temporarily prohibit a business entity from selling tobacco, tobacco products and related products if in the business area for which the licence was issued infringements of the provisions of Articles 29 and 30 of this Act are discovered by means of a final decision.

(2) The suspension of sales shall be for six months.

(3) After the final decision referred to in paragraph one of this Article, the Market Inspectorate of the Republic of Slovenia shall forward the information on the offender and infringements to the Ministry.

(4) If the licence for sales by the business entity has been previously suspended for particular business premises, it shall be withdrawn upon the next infringement determined by a final decision referred to in paragraph one of this Article, and the re-acquisition of the licence shall be prohibited for a period of three years

(5) If a prohibition of sale has already been imposed on a business entity twice for particular business premises, the entity’s licence shall be withdrawn upon the next infringement referred to in paragraph one of this Article and the re-acquisition of the licence shall be prohibited (permanent ban).

(6) During the prohibition of the sale of tobacco, tobacco products and related products or during the prohibition of the re-acquiring of the licence, the business entity may not extend the validity of a licence or submit an application for a new license.

(7) If a business entity sells tobacco, tobacco products and related products in a business area without a valid license, it shall be permanently prohibited from acquiring a licence for this business area.

(8) After the final decision referred to in the preceding paragraph, the Market Inspectorate of the Republic of Slovenia shall forward the information on the offender and infringement to the Ministry.

VII. PROHIBITION OF SMOKING AND DESIGNATED SMOKING ROOMS

Article 39
(Prohibition of smoking)

(1) It shall be prohibited to smoke or use tobacco, tobacco products and related products, apart from chewing tobacco and nasal tobacco, in any enclosed public spaces or work premises, as well as in private cars in the presence of persons younger than 18.

(2) Furthermore, smoking or using tobacco, tobacco products and related products, apart from chewing tobacco and nasal tobacco, shall be prohibited in spaces that are not considered enclosed spaces under this Act if they form part of associated appertaining land of premises where child-care or educational services are performed.

(3) Notwithstanding paragraphs one and two of this Article, smoking or the use of tobacco, tobacco products and related products shall be allowed:
- in areas specially designated for smokers in accommodation facilities and other providers of overnight stays,
- in senior citizens' homes and prisons in areas not intended for common use, if only smokers reside there,
- in areas specially designated for smokers in psychiatric hospitals and in areas specially designated for smokers at other treatment providers for mental patients,
- in designated smoking rooms.

(4) Designated smoking rooms shall not be allowed in areas where health care, child care or education are provided.

(5) Owners, tenants or managers of spaces where smoking is prohibited shall be responsible for upholding the prohibition on smoking and the use of tobacco, tobacco products and related products.

Article 40
(Designated smoking room)

(1) Designated smoking rooms must meet the following conditions:
- the space must be regulated so that air contaminated with tobacco smoke cannot flow freely from it into other spaces;
- the space may not be designed for passage into other areas, and may not exceed more than 20% of the total surface area of a public space and/or work premises;
- the space must be designed exclusively for smoking, with the service of food and beverages not allowed in the space;
- food and beverages may not be brought into the space.

(2) The Minister shall set out the detailed conditions to be met by designated smoking rooms.

VIII. SUPERVISION

Article 41
(Supervisory and offence authority)

(1) Supervision of the implementation of this Act shall be conducted by the Health Inspectorate of the Republic of Slovenia, the Labour Inspectorate of the Republic of Slovenia, the Market Inspectorate of the Republic of Slovenia, the Financial Administration of the Republic of Slovenia, the Police, and the Municipal Warden Service.

(2) The Health Inspectorate of the Republic of Slovenia shall conduct supervision of:

1. the tar, nicotine and carbon monoxide emissions from cigarettes referred to in Article 7 of this Act;
2. the prohibition of placement on the market of tobacco with a characterising flavour referred to in Article 11 of this Act;
3. the prohibition of placing on the market tobacco products containing additives listed in Article 12 of this Act;
4. the reporting and submission of information by manufacturers and importers on ingredients and emissions of tobacco, tobacco products, and related products in accordance with Articles 9, 10 and 25, and paragraphs one, two, and six of Article 26, and Article 28 of this Act;
5. the obligations that must be met by manufacturers, importers and distributors of electronic cigarettes referred to in paragraphs nine, ten, and eleven of Article 26 of this Act and the conditions that must be met by electronic cigarettes referred to in paragraph three of Article 26 of this Act;
6. the prohibition of smoking or using tobacco, tobacco products and related products, apart from chewing tobacco and nasal tobacco, in public spaces referred to in Article 39 of this Act;
7. individuals who fail to uphold the prohibition of smoking or using tobacco, tobacco products and related products, apart from chewing tobacco and nasal tobacco, in public spaces referred to in Article 39 of this Act;
8. the conditions that must be met by designated smoking rooms in public spaces referred to in the preceding Article;
9. individuals who fail to uphold the prohibition of bringing food and drink into the designated smoking rooms referred to in the preceding Article.

(3) Should the Health Inspectorate of the Republic of Slovenia based on its own findings or the findings of the NLZOH determine that tobacco, tobacco products or related products are being manufactured and sold in contravention of Articles 7, 8, 11 and 12 of this Act, it shall by virtue of a decision prohibit the manufacture and sale of the tobacco products, and order their removal from manufacture and sale.

(4) Should the Health Inspectorate of the Republic of Slovenia based on the findings of the NLZOH determine that for a certain brand and type of tobacco, tobacco products or related products manufacturers and importers are not fulfilling the obligations to report or submit information on products referred to in Articles 9, 10, 25, 26, and 28 of this Act, it shall by virtue of a decision prohibit the sale of the tobacco products, and order their removal from sale.

(5) At the request of the Health Inspectorate of the Republic of Slovenia, the NLZOH may conduct laboratory testing of tobacco, tobacco products and related products. Natural persons and legal entities placing on the market tobacco, tobacco products, and related products must provide to the competent inspector a sample of such product free of charge. Should it be established by means of laboratory testing that the sample taken in the procedure of conducting supervision is not in accordance with the provisions of this Act, the costs of laboratory testing shall be borne by the natural person or legal entity that provided the sample.

(6) The Labour Inspectorate of the Republic of Slovenia shall conduct supervision of:

1. prohibition of smoking or using tobacco, tobacco products, and related products, apart from chewing tobacco and nasal tobacco, in work premises referred to in Article 39 of this Act;
2. individuals who fail to uphold the prohibition of smoking or using tobacco, tobacco products and related products, apart from chewing tobacco and nasal tobacco, in work premises referred to in Article 39 of this Act;
3. the conditions that must be met by designated smoking rooms in work premises referred to in the preceding Article;
4. individuals who fail to uphold the prohibition of bringing food and drink into designated smoking rooms referred to in the preceding Article.

(7) The Market Inspectorate of the Republic of Slovenia shall conduct supervision of:

1. the conditions that must be met by tobacco and tobacco products referred to in Articles 13–20 of this Act;
2. the prohibition of placing on the market tobacco for oral use referred to in Article 24 of this Act;
3. the conditions that must be met by electronic cigarettes referred to in paragraphs four and five of Article 26 of this Act;
4. the conditions that must be met by herbal products for smoking referred to in Article 27 of this Act;
5. the prohibition of sponsorship and advertising of tobacco, tobacco products and related products referred to in Article 29 of this Act;
6. the prohibition of sale referred to in Articles 30 and 31 of this Act;
7. the sale of tobacco, tobacco products, and related products without the licence referred to in Article 32 of this Act and the visibility of the licence in the business area referred to in paragraph three of Article 34 of this Act;

(8) The Financial Administration of the Republic of Slovenia shall conduct supervision of the conditions prescribed in Articles 22 and 23 of this Act that must be met by tobacco and tobacco products, as well as the sale of tobacco, tobacco products and related products without a license referred to in Article 32 of this Act.

(9) If the Market Inspectorate of the Republic of Slovenia discovers that tobacco and tobacco products are being sold and manufactured in contravention of Articles 13–20 of this Act or without a valid licence referred to in Article 32 of this Act, it shall by virtue of a decision prohibit the sale and manufacture of such products, and order their removal from manufacture and sale.

(10) If the Financial Administration of the Republic of Slovenia discovers that tobacco and tobacco products are manufactured and sold without identification marks or safety features referred to in Articles 22 and 23 of this Act, it shall by virtue of a decision prohibit the sale and manufacture of these products and order their removal from the manufacture and sale.

(11) The Health Inspectorate of the Republic of Slovenia, based on the received notification referred to in paragraph twelve of Article 26 of this Act, shall take appropriate temporary measures to protect human health, which include the prohibition of sale of a particular product or the withdrawal of a particular product from the market.

(12) If the competent inspection body discovers that electronic cigarettes and herbal products are being sold and manufactured in contravention of Articles 26 and 27 of this Act or without a valid licence referred to in Article 32 of this Act, it shall by virtue

of a decision prohibit the sale and manufacture of such products, and order their removal from manufacture and sale.

(13) If the Market Inspectorate of the Republic of Slovenia discovers that tobacco, tobacco products and related products are being sponsored and advertised in contravention of Article 29 of this Act, it shall by virtue of a decision prohibit such sponsorship or advertising. In order to execute the decision, it shall order the immediate removal of advertising material at the expense of the business entity.

(14) If the competent inspection body discovers that a designated smoking room fails to meet the conditions specified in the preceding Article, it shall by virtue of a decision prohibit the use of the designated smoking room until the breach is rectified.

(15) The competent inspector, while conducting supervision of the prohibition of sale of tobacco, tobacco products and related products to persons younger than 18 referred to in paragraph one of Article 30 of this Act, may cooperate with a person younger than 18. In order to cooperate with a person younger than 18, the prior written consent of the parents or guardians of the respective minor must be obtained.

(16) The Police and the Municipal Warden Service conduct supervision of the prohibition of smoking in all vehicles if persons younger than 18 as referred to in paragraph one of Article 39 of this Act are present.

IX. PENAL PROVISIONS

Article 42
(Offences)

(1) A fine of €4,000 to €33,000 shall be imposed for an offence on a legal person that:

1. places on the market or manufactures cigarettes with tar, nicotine, and carbon monoxide content exceeding the amounts laid down in Article 7 of this Act;
2. places on the market tobacco products for which the obligation to report on the ingredients and emissions of such products is not fulfilled (Articles 9 and 10);
3. places on the market tobacco products with a characterising flavour (Article 11) or additives listed in paragraphs one and three of Article 12 of this Act, or places on the market tobacco products containing flavourings in any of their components (paragraph two of Article 12);
4. places on the market tobacco products or smokeless tobacco products not meeting the conditions regarding the labelling, packaging, general warnings, information messages and combined health warnings (Articles 13, 14, 15, and 16);
5. places on the market tobacco products, the labelling or outside packaging of which are in contravention of the provisions of Article 17 of this Act;
6. places on the market cigarette unit packets and outside cigarette packaging, the appearance and the content of which are in contravention of the provisions of Article 18 of this Act;
7. places on the market tobacco unit packets and outside roll-your-own tobacco packaging, the appearance and the content of which are in contravention of the provisions of Article 19 of this Act;
8. places on the market individual cigarettes the appearance of which is in contravention of the provisions of Article 20 of this Act;
9. does not allow the immediate availability of a special identification mark (paragraph four of Article 22);

10. does not record the entry of all packets and intermediate trends and final removal of packets from their possession in a way that allows a unique and unambiguous identification and tracking of all packets (paragraph five of Article 22);
11. does not keep records of all transactions (paragraph six of Article 22);
12. does not provide the equipment for the recording of tobacco products to the the economic operators involved in the trade of tobacco products from the manufacturer to the last economic operator before the first sale at the sales outlet, including importers, warehouses and transportation companies, or supplies such equipment, but the equipment does not allow electronic reading and unambiguous identification and tracking of all packets (paragraph seven of Article 22);
13. changes or deletes recorded data or does not keep proper records to facilitate effective supervision of this Act (paragraph nine of Article 22)
14. places on the market tobacco products not bearing an identification mark or security feature, or bearing an identification mark or security feature that does not meet the required technical standards (paragraphs one to three of Article 22, and Article 23);
15. places on the market tobacco for oral use (Article 24);
16. fails to notify the NLZOH on novel tobacco products at the latest within six months prior to the planned placement on the market (Article 25);
17. places on the market electronic cigarettes in contravention of Article 26 of this Act;
18. if a manufacturer, importer or distributor of electronic cigarettes fails to fulfil the conditions referred to in paragraphs nine, ten, and eleven of Article 26 of this Act;
19. places on the market herbal products for smoking in contravention of Article 27 of this Act;
20. fails to report on the ingredients of herbal products for smoking pursuant to Article 28 of this Act;
21. donates to or sponsors an event, activity or individual while directly or indirectly advertising or promoting tobacco products and other related products (Article 29);
22. depicts or uses tobacco, tobacco products and related products on television and during public performances (paragraph seven of Article 29);
23. sells tobacco, tobacco products, and other related products to persons younger than 18 or fails to display the prohibition of sale in a visible place, or if tobacco products are sold by a person younger than 18 (paragraphs one and two of Article 30);
24. places on the market tobacco, tobacco products and other related products in contravention of paragraph three of Article 30 of this Act;
25. places on the market tobacco, tobacco products, and other related products that are not in the manufacturer's original packaging (paragraph four of Article 30);
26. places on the market or conducts cross-border distance sales of tobacco, tobacco products, and other related products through the internet, telecommunications, and other developing technologies (paragraph five of Article 30);
27. places on the market or conducts cross-border distance sales of sweets, snacks, toys or other items in the shape of tobacco products (paragraph six of Article 30);
28. fails to display in a visible place at a retail outlet a valid licence for the sale of tobacco, tobacco products, and related products (paragraph three of Article 34);
29. fails to ensure that the prohibition of smoking or using tobacco, tobacco products and related products is upheld, apart from chewing tobacco and nasal tobacco, in all public spaces and work premises (Article 39);
30. if designated smoking rooms do not meet the conditions referred to in Article 40 of this Act.

(2) A fine of €800 to €2,000 shall be imposed on the responsible person of a legal entity, the responsible person of a self-employed person, and the responsible person of a sole trader who commits an offence referred to in the preceding paragraph.

(3) A fine of €1,600 to €8,000 shall be imposed on a sole trader or self-employed person who commits an offence referred to in paragraph one of this Article.

(4) Mandatory seizure of the tobacco, tobacco products, and other related products that are the subject of an offence shall be executed, in addition to the fine for the offences referred to in points one, three, four through eight, fifteen, seventeen, and nineteen of paragraph one of this Article.

(5) A fine of €50,000 shall be imposed on a legal entity or a sole trader who sells tobacco, tobacco products, and related products without a valid licence.

(6) A fine of €5,000 shall be imposed on the responsible person of a legal entity or the responsible person of a sole trader who sells tobacco, tobacco products and related products without a valid licence.

Article 43
(Offences of individuals)

(1) A fine of €125 shall be imposed on an individual who:
- provides tobacco, tobacco products, and other related products free of charge in a public place and in public spaces for the purpose of advertising and promotion (paragraph three of Article 29);
- smokes or uses tobacco, tobacco products, and related products in an enclosed public space or work premises where smoking or the use of such products is prohibited (Article 39);
- brings food or drink into a designated smoking room (paragraph one of Article 40);

(2) A fine of €250 shall be imposed on an individual who smokes or uses tobacco, tobacco products, or other related products, apart from chewing tobacco and nasal tobacco, in all vehicles where persons younger than 18 are present (Article 39).

X. TRANSITIONAL AND FINAL PROVISIONS

Article 44
(Transitional provisions)

(1) Notwithstanding the provisions of this Act, the following products may be placed on the market until 20 May 2017:
- tobacco products that were manufactured or distributed for free circulation and marked in accordance with the Restriction of the Use of Tobacco Products Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 57/96, 119/02, 26/03 - official consolidated text, 101/05, 17/06 – official consolidated text, 60/07 and 93/07 – official consolidated text) prior to the entry into force of this Act;
- electronic cigarettes or refill containers that were manufactured or released for free circulation prior to entry into force of this Act;
- herbal products for smoking that were manufactured or released for free circulation prior to entry into force of this Act.

Article 45
(Harmonisation of actions)

(1) Regarding products that have already been placed on the market, the information referred to in Articles 9, 25 and 28 of this Act shall be provided within six months after the entry into force of this Act.

(2) Regarding products that have already been placed on the market, the information referred to in paragraph two of Article 26 of this Act shall be provided within six months after the entry into force of this Act.

(3) Retailers of tobacco, tobacco products and related products must ensure the implementation of the ban on advertising referred to in paragraph one of Article 29 of this Act and on the business premises of companies engaged in the production, distribution and wholesale of tobacco products, as well as on the exterior and interior signage of sales outlets selling tobacco products within three months after the entry into force of this Act.

(4) Retailers of tobacco, tobacco products, and related products shall fulfil the conditions regarding the visibility and accessibility of such products referred to in paragraph two of Article 29 of this Act within twelve months of the entry into force of this Act.

Article 46
(Establishing a licensing system for the sale of tobacco, tobacco products, and related products)

(1) The IT support for establishing a licensing system for the sale of tobacco, tobacco products and other related products shall be established within eight months of the entry into force of this Act.

(2) Retailers of tobacco, tobacco products, and related products shall apply for a license as referred to in Article 32 of this Act no later than within 14 months after the entry into force of this Act. These products may be sold without a license for another 20 months after the entry into force of this Act, provided that the licence is applied for within the said deadline.

Article 47
(Termination of validity)

(1) From the day this Act enters into force, the following shall cease to have effect:

- Restriction of the Use of Tobacco Products Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 57/96, 119/02, 26/03 - official consolidated text, 101/05, 17/06 - official consolidated text, 60/07 and 93/07 - official consolidated text);
- Rules on the conditions to be met by the designated smoking room (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 80/07 and 90/10);
- Rules on activity of the help line on stopping smoking (Official Gazette of the Republic of Slovenia [Uradni list RS], no. 80/07);
- Rules on the deadlines and methods of disseminating information that are within the competence of IPH RS concerning measurements of tobacco product content and ingredients (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 62/03 and 35/06);

- Rules on the requirements to be met by the laboratory nominated to carry out measurements (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 62/03 and 35/06).

(2) Notwithstanding the preceding paragraph, the provisions of indents two, three, four, and five shall apply until the adoption of implementing regulations issued pursuant to this Act.

Article 48
(Implementing regulations)

(1) The Government of the Republic of Slovenia shall adopt the strategy referred to in paragraph one of Article 4 of this Act no later than one year after the entry into force of this Act.

(2) The Minister shall issue the regulations referred to in paragraph five of Article 8, paragraph eleven of Article 9, paragraph seven of Article 10, paragraph eight of Article 14, paragraph three of Article 15, paragraph five of Article 18, paragraph eight of Article 19, paragraph two of Article 20, paragraph eleven of Article 22, paragraph three of Article 23, paragraph three of Article 25, paragraph fourteen of Article 26, paragraph three of Article 28, paragraph four of Article 34, and paragraph two of Article 40 of this Act within six months after the entry into force of this Act.

Article 49
(Establishment of a coordination group)

The Minister shall set up a coordination group as referred to in paragraph one of Article 4 of this Act at the latest within six months after this Act enters into force.

Article 50
(Entry into service)

(1) The prohibition referred to in paragraph one of Article 11 of this Act shall become effective for tobacco products which have a characterising flavour and the sales volume of which accounts for 3 per cent or more in each category of products in the EU on 20 May 2020.

(2) Provision of point 4 of paragraph one of Article 15 of this Act shall apply as of 20 May 2019. Until the enforcement of this provision, a combined health warning will be printed on the cardboard rear surface directly below the tax stamp. On packets made of soft material, the approved area is a rectangular surface intended for the tax stamp, the area of which does not exceed 13 mm between the upper edge of the packet and the top of the combined health warnings.

(3) The provisions of Articles 18, 19 and 20 of this Act, which provide colour and shade, which can be used for the packaging of tobacco products and single cigarettes, and the provisions which lay down the rules for listing the brand, names and types of tobacco products, information about the manufacturer and the number of cigarettes or weight of rolling tobacco, bar code, other identification marks or security element on the packaging shall apply as of 1 January 2020.

(4) The provisions of Articles 22 and 23 of this Act shall apply to cigarettes and rolling tobacco as of 20 May 2019, and as of 20 May 2024 to other tobacco products.

Article 51
(Effective date)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.