

With amendments and additions made as of December 1, 2019

Turkmenistan Code of Administrative Offenses

LAW OF

TURKMENISTAN

Approval and Implementation of the

Turkmenistan Code of Administrative Offenses

(Majlis of Turkmenistan, 2013, No. 3, article 52)

Article 1. Adopt the Turkmenistan Code of Administrative Offenses.

Article 2. Enter into force of the Turkmenistan Code of Administrative Offenses on January 1, 2014.

Article 3: Since January 1, 2014, the Code of Administrative Offenses of the Turkmen SSR approved by the Turkmen Soviet Socialist Republic Act of December 17, 1984 (Proclamation of the Supreme Soviet of the Turkmen SSR, 1984, No. 35, article 153), all subsequent laws or their respective sections and parts, which amended and supplemented it, shall be deemed null and void.

Article 4: From now on, until laws and other regulatory legal acts of Turkmenistan are brought into line with the Administrative Offenses Code, they act insofar as they do not conflict with this Code.

Article 5. The Cabinet of Ministers of Turkmenistan will have to cite Turkmenistan's regulations within three months, including the basic amount for determining the amount of the administrative fine, as well as the financing of state bodies from funds coming from fines imposed administratively in accordance with this Code.

President of
Turkmenistan

Gurbanguly
Berdymukhamedov

City of Ashgabat

August 29, 2013

№ 422-IV.

CODE OF TURKMENISTAN

ADMINISTRATIVE OFFENSES

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SECTION II. SPECIAL SECTION

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Chapter 9. Administrative violations in the field of public health

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Article 79. Violation of the smoking ban on tobacco products, stipulated by the law

Violation of the requirements for the prohibition of smoking tobacco products, stipulated by the legislation of Turkmenistan, that is, smoking tobacco products:

- 1) in the premises of state authorities, local self-government bodies, at enterprises, organizations and institutions regardless of their form of ownership, military units and formations, at commercial facilities, public catering and consumer services enterprises, in hotels;
- 2) in the territories and premises of cultural and educational institutions, athletic and cultural facilities, health and spa complexes;
- 3) in the premises of railway stations, bus stations, airport terminals, sea and river ports, in outdoor areas at a distance of less than fifteen meters from the entrances to the premises of railway stations, bus stations, air terminals, sea and river ports designed to provide passenger services, trains, ships, aircraft and all forms of public transport, passenger platforms, gas stations;
- 4) in parks and squares, underground passages, within the boundaries of areas occupied by beaches, and other places of large-scale visits of citizens;
- 5) in elevators and common areas of apartment buildings, on playgrounds

shall be subject to a fine of up to the base value with or without confiscation of tobacco products, devices intended for smoking.

(As amended by the Law of Turkmenistan of February 4, 2017 – Register of the Mejlis of Turkmenistan, 2017, No. 1, art. 12).

Article 80. Manufacturing, acquisition, storage, transportation, shipping, marketing, or consumption of Naswar

1. Manufacturing, acquisition, storage, transportation or shipment of Naswar for consumption, as well as the consumption of Naswar -

shall be subject to a fine of one to three times the base value with or without the confiscation of Naswar, raw materials and production equipment.

2. Manufacturing, acquisition, storage, transportation or shipment of Naswar in a small amount for the purpose of marketing, as well as the sale of Naswar -

shall be subject to a fine of one to three times the base value with or without confiscation of the Naswar, raw materials and production equipment.

3. Repeated offenses, under part two of this article, within one year of the application of administrative fines -

shall be subject to a fine between twenty and thirty times the base value with or without confiscation of the Naswar, raw materials and production equipment or without such, or administrative arrest for up to fifteen days.

Note

The small size of the Naswar, specified in this article, is established by the country's regulatory legal acts.

2. A person who voluntarily surrenders his Naswar shall be exempt from administrative liability for the acts provided for in this article.

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Chapter 12. Administrative offenses in agriculture and veterinary medicine

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Article 173¹.

1. Cultivation or growing annual and perennial plants, containing nicotine and other substances harmful to human health, in violation of the rules established by Turkmenistan's law, if it is committed for the purpose of obtaining raw materials (tobacco raw materials) for the production of tobacco products, -

shall be subject to fines of two to five times the base value with or without confiscation of the said plants.

2. - Repeated offenses, under part of this article within one year of the application of administrative fines –

shall be subject to a fine of five to ten times the base value with or without confiscation of the said plants or administrative detention for up to ten days.

The Code is supplemented by Article 173¹ of the Turkmenistan Act of January 29, 2016 - Turkmenistan Majlis, 2016, No. 1, Art. 29.

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Chapter 17. Administrative offenses in the sphere of economic activity

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Article 315. Violation of the rules of trade in alcoholic products and tobacco products

1. Violation by trade and catering workers, regardless of ownership or business, the rules of trade in alcoholic beverages, beer, wine and tobacco products -

shall be subject to fines of six times for individuals, up to twenty for officials, and twenty to forty times for legal entities – all off the base value -- with or without confiscation of alcoholic beverages, beer, wine materials and tobacco products.

2. Sales of alcoholic beverages, beer, wine materials to persons under the age of twenty-one and tobacco products to persons under the age of majority

shall be subject to a fine between four and twelve times for individuals, between ten and twenty for officials and between twenty and forty of the base value for legal entities.

3. Implementation, as well as storage, transportation or purchase for the sale of alcoholic beverages, tobacco products without labelling their consumer packaging, established by Turkmenistan law, or without placing relevant information, including without excise stamps, -

shall be subject to fines of five times for individuals, five to twenty for officials, and ten to forty for legal entities – all off the base value -- with or without confiscation of alcoholic beverages and tobacco products.

4. The sale of alcoholic beverages, tobacco products without proper labelling by excise stamps on their consumer packaging, as well as storage, transportation or purchase for the purpose of the subsequent sale of these goods,

shall be subject to fines of five to ten times, for individuals - from seven to fifteen, for official entities - from fifteen to twenty for legal entities – all off the base value -- with or without confiscation of alcoholic beverages and tobacco products.

(In the version of the Law of Turkmenistan dated February 2, 2015 and December 1, 2018 - Register of the Mejlis of Turkmenistan, 2015, No. 1, art.10; 2018, No. 3-4, art 107).

Article 315¹.

1. Production, supply of alcoholic beverages, tobacco products without labelling their consumer packaging in accordance with Turkmenistan's law and without placing relevant information on them, including violation of the labeling procedure excise stamps, -

shall be subject to fines of ten to twenty times, for officials - twenty to fifty, for legal entities -- all off the base value-- with the confiscation of alcoholic beverages and tobacco products or without it.

2. Import, purchase, storage or transportation for the sale of alcoholic beverages and tobacco products to be labelled with excise stamps, unmarked -

shall be subject to fines on individuals of five to ten times, on officials - from ten to twenty-five, on legal entities - from twenty to fifty – all off the base value -- with the confiscation of alcoholic beverages and tobacco products or without it.

The Code is supplemented by Article 315¹ of the Turkmenistan Act of February 2, 2015 - Turkmenistan Majlis, 2015, No. 1, Article 10.

Article 315².

1. Production or sale of counterfeit excise stamps to place them on consumer packaging of alcoholic beverages and tobacco products -

shall be subject to fines on individuals up to ten times, on officials - from ten to twenty-five, on legal entities - twenty to fifty times – all off the base value-- with the confiscation of items that were the direct object of an administrative offense.

2. The usage of excise stamps, known to be counterfeit, on consumer packaging of alcoholic beverage and tobacco products -

shall be subject to fines on individuals up to five times, on officials - from five to twenty, on legal entities - from ten to forty – all off the base value-- with the confiscation of alcoholic beverages and tobacco products or without it.

3. Import, storage, or transportation for the purpose of selling alcoholic beverages and tobacco products with knowingly fake excise stamps -

shall be subject to fines on individuals up to ten times, on officials from ten to twenty-five, on legal entities twenty to fifty – all off the base value-- with the confiscation of items that were the direct object of an administrative offense.

The Code is supplemented by Article 315² of the Turkmenistan Act of February 2, 2015 - Turkmenistan Majlis, 2015, No. 1, Article 10.

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Article 328¹- Advertising, promoting and sponsoring tobacco products

Violation of requirements made to reduce the consumption of tobacco products, i.e.:

- 1) advertising tobacco products in all forms and all kinds of media, as well as in places of trade;
- 2) distribution of tobacco products to the population free of charge, including in the form of gifts;
- 3) applying discounts on the price of tobacco products by any means;
- 4) the use of a trademark for the individualization of tobacco products on other non-tobacco products in the production of such products, as well as wholesale and retail trade in goods that are not tobacco products, products that use a trademark to personalize tobacco products;
- 5) the use and imitation of tobacco products in the production of other non-tobacco products in the wholesale and retail trade of such goods;
- 6) organizing and holding events (including lotteries, contests, games) in which tobacco products are purchased or in which tobacco products are offered as prizes;
- 7) the use of brand names, trademarks and service marks, as well as commercial designations belonging to the tobacco industry (organization), in the conduct of charitable activities;

shall be subject to fines on individuals of two to five times, on officials - from five to ten – all off the base value.

The Code is supplemented by Article 328¹ of the Turkmenistan Act of February 4, 2017 - Turkmenistan Majlis, 2017, No. 1, Article 12.

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SECTION III. ADMINISTRATIVE PROCEDURE

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Chapter 25. Jurisdiction of administrative offense cases

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Article 486. Competence of officials to deal with administrative offenses related to the prohibition of smoking cigarettes and tobacco products

Heads of ministries, departments, military units and compounds, educational institutions, theaters and cinemas, businesses, institutions, organizations, and other legal entities and their deputies are considering cases of administrative offenses, Article 79 of this Code, and they have the right to impose administrative fines on behalf of these legal entities.