

377
ACT
of 26 May 2001

**on the protection of non-smokers and on alteration and amendment to
certain laws**

The National Council of the Slovak Republic has passed this Act:
Part One

Article 1

Object of the Regulation

This Act regulates

- a) conditions for the protection of people from the occurrence of addictiveness to nicotine as a habit-forming and harmful component contained in tobacco and tobacco products, from harmful effects of smoking and other ways of using tobacco products that do harm to the health of smokers and non-smokers immediately exposed to the effects of smoking.
- b) conditions for sales, production, labelling and placing tobacco products on the market.

Article 2

Definitions

- (1) Nicotine means nicotinic alkaloids.
- (2) Tar means the raw anhydrous nicotine-free condensate of smoke.
- (3) Carbon monoxide is a colourless and odourless gas coming into being in imperfect combustion of organic substances and is contained in gaseous phase of cigarette smoke.
- (4) For the purposes of this Act:
 - a) tobacco products means products manufactured from tobacco raw material or technologically processed tobacco intended for smoking, chewing, sniffing¹⁾ and sucking, inasmuch as they are, even partly, made of tobacco,
 - b) tobacco intended for oral use means all products for oral use except those intended to be smoked or chewed, made wholly or partly of tobacco, in powder or in particulate form or any combination of those forms, particularly those presented in sachet portions or porous sachets, or in a form resembling a food product,
 - c) smoking room means a closed and directly ventilated room intended for smoking,
 - d) smoking space means as a rule a non-closed space in which smoking is allowed,

1) Art. 13 of Act of the National Council of the Slovak Republic No. 152/1995 Coll. on foodstuffs, as altered and amended.

- e) harmful substances means substances to be found in tobacco products or smoke or tar thereof with a harmful effect on human body,
- f) putting tobacco products on the market includes offering tobacco products for sale, sales or offering thereof for consumption, storage or transport thereof for the needs of sales,
- g) ingredient means any substance or any constituent except for tobacco leaf and other natural or unprocessed tobacco plant parts used in the manufacture or preparation of a tobacco product and still present in the finished product, even if in altered form, including paper, filter, inks and adhesives.

Article 3

The Provision of Information on Tobacco Products

- (1) The manufacturer, the importer and the distributor of tobacco products shall submit annually the Ministry of Health of the Slovak Republic (hereinafter referred to as the "Ministry" a report setting out all the ingredients used in the manufacture of tobacco products intended for sales in the Slovak Republic.
- (2) The report under paragraph 1 shall contain the reasons for the inclusion of all such ingredients in the manufacture of tobacco products, indicating their function and category and also the toxicological data available to the manufacturer or importer regarding these ingredients in burnt or unburnt form as appropriate, referring in particular to their effects on health and addictive effects.
- (3) The report under paragraph 1 shall contain
 - a) the list of all the ingredients added to tobacco in all the tobacco products sold in the Slovak Republic; the list shall be established in alphabetical order and the highest

permissible quantities which have not been exceeded, calculated on the basis of the highest extent of use, shall be indicated for each ingredient.

b) the list of all the ingredients used in the manufacture of all the cigarettes sold in the Slovak Republic by the respective categories, which shall be

1. cigarette paper,
2. adhesives for cigarette folds,
3. colours for printing the cigarette paper,
4. filtration materials,
5. filter adhesives,
6. filter wrappers.
7. mouthpiece paper,
8. colours for printing mouthpiece papers.

c) the list of ingredients added to tobacco, tobacco products sold in the Slovak Republic by respective brand names, natural substances and man-made aromatic substances are set out in summary form.

(4) The list of ingredients under paragraph 3(b) shall be established in descending order of the weight of each ingredient, indicating the highest permissible quantities that have not been exceeded, calculated based on the highest extent of use for the respective brand name.

(5) The Ministry shall ensure for the purpose of informing customers that information provided from the report under paragraph 1 and from the list under paragraph 3 (a) is published also in the local press and through the Internet.

(6) The Ministry shall report the European Commission any data and information under the legal act of the European Communities and of the European Union.

Art. 4

Warnings

(1) Each unit packet of tobacco product, except for smokeless tobacco products, must carry the general warning, the additional warning, and the unit packet of tobacco product shall be marked also by yield indications and batch numbering or equivalent, place and time of manufacture.

(2) The general warnings shall be:

- a) "Smoking kills / Smoking can kill", or
- b) "Smoking seriously harms you and others around you".

(3) The general warnings referred to in paragraph 2 shall be rotated in such a way as to guarantee their regular appearance; these shall be printed on the on the front side of the unit

packet of the tobacco product and any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.

(4) The additional warnings shall be:

- a) "Smokers die younger",
- b) "Smoking clogs the arteries and cause heart attacks and strokes",
- c) "Smoking causes fatal lung cancer",
- d) "Smoking when pregnant harms your baby",
- e) "Protect children: don't make them breathe your smoke",
- f) "Your doctor or your pharmacist can help you to stop smoking",
- g) "Smoking is highly addictive, don't start",
- h) "Stopping smoking reduces the risk of fatal heart and lung diseases",
- i) "Smoking can cause a slow and painful death",
- j) "Get help to stop smoking: consult your doctor",
- k) "Smoking may reduce the blood flow and causes impotence",
- l) "Smoking causes ageing of the skin",
- m) "Smoking can damage the sperm and decreases fertility",
- n) "Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide".

(5) The additional warning referred to in paragraph 4 shall be rotated in such a way as to guarantee their regular appearance, be printed on the rear of the unit packet of the tobacco product and on any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.

(6) Smokeless tobacco products shall carry on each unit packet of the tobacco product the following warning: "This tobacco product can damage your health and is addictive." This warning shall be printed on the most visible surface of the unit packet of the tobacco product and on any outside packaging, with the exception of additional transparent wrappers, intended for the consumer, used in the retail sale of the product.

(7) The general warning referred to in paragraph 2 and the warning referred to in paragraph 6 shall cover not less than 30% of the front side of the unit packet of the tobacco product. The additional warning referred to in paragraph 4 shall cover no less than 40% of the rear side of the unit packet of the tobacco product; in the case of tobacco products other than cigarettes, the most visible surface of which exceeds 75 cm², any general warnings and additional warnings shall cover an area of at least 22.5 cm².

(8) The warnings referred to in paragraph 1 shall be

- a) set out in the state language,
- b) printed in black Helvetica bold type on a white background; the point size of the font shall occupy the greatest possible proportion of the area set aside for yield indications,
- c) in lower-case type, except for the first letter of the message and where required by grammar usage,
- d) centred in the area in which the text is required to be printed, parallel to the top edge of the packet,
- e) surrounded by a black border not less than 3 mm and not more than 4 mm in width which in no way interferes with the text of the warning or yield indications, except for the products referred to in paragraph 6; the edges shall be included in the area required for texts.

(9) The warnings referred to in paragraph 1 shall not be placed on the tax stamps. They shall be irremovably printed, indelible and shall in no way be hidden, obscured or interrupted by other written or pictorial matter or by the opening of the packet. In the case of tobacco products other than cigarettes, the warnings may be affixed by means of stickers, provided that such stickers are irremovable.

(10) The use of misleading texts, names, trademarks and pictorial or other symbols on the unit packet of tobacco products indicating that a certain tobacco product is less harmful than other products shall be prohibited; the duty to set out the yield indications referred to in Art. 6 (6) shall not thereby be affected.

Article 5

Maximum yields

- (1) The tar yield shall not be greater than 10 mg per cigarette (hereinafter referred to as "mg/cig").
- (2) The nicotine yield shall not be greater than 1 mg/cig.
- (3) The carbon monoxide yield shall not be greater than 10 mg/cig.
- (4) The tar, nicotine, carbon monoxide indications of cigarettes and the accuracy thereof on packets of cigarettes shall be established and verified in accordance with international standards (ISO). The reliability interval for carbon monoxide, until a revision of the appropriate technical standard is undertaken, shall be $\pm 25\%$, however the lowest achievable value of the aforementioned interval shall be ± 1.5 mg/cig.

(5) The tests to verify the accuracy of the declared data referred to in paragraph 4 shall be carried out by accredited (2) test laboratories approved and controlled by the Ministry. The list of accredited test laboratories and the results of the tests shall be communicated by the Ministry to the European Commission.

(6) The yield indications referred to in paragraph 1 to 3 shall be printed on one side of the cigarette packet so that at least 10% of the corresponding surface is covered.

(7) The yield indications referred to in paragraph 6 shall be printed as follows:

- a) "Nicotine: x mg/cig, where x is a number with one decimal point",
- b) "Tar: x mg/cig, where x is an integer",
- c) "CO: x mg/cig, where x is an integer".

2) Act No. 264/1999 Coll. on technical requirements for products and on conformance assessment

and on alteration and amendment to certain laws, as altered and amended.

Article 6

Sale of tobacco products

(1) It shall be prohibited to sell tobacco products in

- a) grocery shops except for shops having set aside separate space or stand for sale of tobacco products,
- b) shops holding goods intended for children,
- c) buffets located in preschool establishments and children's playgrounds, elementary schools, secondary schools and school establishments, universities, hostels,
- d) health care facilities and social services facilities,
- e) in the form of door-to-door selling and cash-on-delivery selling,
- f) in cigarette packets containing less than ten pieces.

(2) It shall be prohibited to sell tobacco products to persons aged below 18 years.

(3) Sale of tobacco products from a stand and a vending machine shall only be permitted insofar as that stand or vending machine is operated by an adult seller.

(4) It shall be prohibited to sell products imitating the shape and appearance of tobacco products or tobacco requisites in the form of food products or toys.

Article 7

Smoking prohibition

(1) It shall be prohibited to smoke in

a) regular personal rail transport means, except for reserved cars, in other inland regular personal transport means, waiting rooms and inland regular personal transport stop shelters, covered platforms and closed public space relating thereto intended for travellers, open platforms within a range of 4 metres from the reserved area thereof,

b) health care establishments, except for smoking rooms set aside for employees,

c) elementary schools, secondary schools and school establishments, pre-school establishments and children's playground space,

d) universities and hostels, except for smoking rooms set aside for employees,

e) social services establishments, except for smoking rooms set aside for employees,

f) cultural establishments and closed sporting establishments, except for smoking rooms,

g) public space of official buildings and establishments, shops, theatres, cinemas, exhibition grounds, museums and galleries,

h) catering establishments, except for those featuring a separated smoking area,

i) sweetshops and fast food establishments.

(2) The prohibition of smoking in workplaces is laid down by special rules. 3)

(3) A municipality can restrict or prohibit smoking by virtue of a generally binding decree also in other public places.

Article 8

Obligations of natural persons-businessmen and legal entities

3) Act of the National Council of the Slovak Republic No. 330/1996 Coll. on occupational health

and safety, as altered and amended.

(1) A natural person-businessman and a legal entity shall be obliged to

a) create conditions to ensure that non-smokers are protected from harmful effects of tobacco smoke.

b) ensure that the prohibitions and restrictions under this Act are complied with.

(2) Every who sells tobacco products shall be obliged to bring the public attention to the prohibition under Art. 6 (1) by notice to be posted in a visible place.

Article 9

Control

(1) The following control authorities shall be obliged to carry out control for compliance with this Act:

a) Slovak Trade Inspection,

b) State Veterinary and Food Administration of the Slovak Republic,

c) public protection authorities,4)

d) the municipality,

e) operators of rail, bus and other regular personal transport,

f) labour inspection authorities.

(2) Labour inspection authorities and health protection authorities shall be notified promptly by the control authorities referred to in paragraph 1 (b) to (f) of detected violations of the Act under Arts. 4 and 6.

(3) In addition to employers, labour inspection authorities and health protection authorities shall be authorised to carry out control for compliance with this Act in workplaces.4)

Article 10

Administrative delicts

(1) The Slovak Trade Inspection shall impose a penalty of SKK10,000 up to SKK200,000 on a natural person-businessman or a legal entity who in the retail activity sells tobacco products unlabelled on the unit packet with the warnings referred to in Art. 4.

(2) The Slovak Trade Inspection shall impose a penalty of SKK10,000 up to SKK200,000 on a natural person-businessman or a legal entity who fails to respect the prohibition of or restriction on the sale of tobacco products under Art. 6.

(3) The State Veterinary and Food Administration of the Slovak Republic shall impose a penalty of SKK100,000 up to SKK10,000,000 where the acts under paragraphs 1 and 2 are committed by the manufacturer or the importer or tobacco products in the wholesale activity directed to placing those tobacco products on the market.

(4) The State Veterinary and Food Administration of the Slovak Republic shall impose a penalty of SKK100,000 up to SKK10,000,000 where the act under paragraph 2 is committed by the manufacturer or the importer in the retail activity directed to placing those tobacco products on the market.

4) Art. 16 of Act of the National Council of the Slovak Republic No. 272/1994 Coll. on public health

protection, as altered and amended.

(5) Penalties under this Act can be imposed within two years of the date on which the

control authority detected a violation of the obligations, however no later than within five years of the date on which the obligation was violated.

(6) In imposing penalties, the gravity of breaking the obligation, the duration and harmful health effects incurred or pending shall be taken account of.

(7) Proceeds of penalties, with the exception of paragraph 8, imposed by the Slovak Trade Inspection and the State Veterinary and Food Administration of the Slovak Republic shall be for public revenue.

(8) Proceeds of penalties imposed by the Slovak Trade Inspection following notice from the municipality of breaking the provisions of Arts. 4 and 6 shall be for municipality revenue.5)

Article 11

Infractions

(1) An infraction shall be committed by that who
a) is in a breach of the smoking prohibition under Art. 7 (1) (a),

b) is in a breach of the smoking prohibition under Art. 7 (1) (f),

c) is in a breach of the smoking prohibition under Art. 7 (1) (b) and (f),

d) is in a breach of the smoking prohibition under Art. 7 (1) (g) and (h),

e) allows tobacco products to be used by a person aged less than 18.

(2) A penalty of up to SKK5,000 can be imposed for the infraction referred to in paragraph 1.

(3) The infractions referred to in paragraph 1 (a) and (b) shall be heard by health protection authorities.4)

(4) The infractions referred to in paragraph 1 (c) shall be heard by labour inspection authorities.

(5) The infractions referred to in paragraph 1 (d) and (e) shall be heard by the Slovak Trade Inspection.

(6) The infractions referred to in paragraph 1 (a) under administration infraction hearings shall be heard by Railway Police authorities.

(7) General rules on infractions shall apply to infractions and hearing thereof.6)

Article 12

Transitional provisions

(1) Tobacco products not complying with the requirements under Art. 4, and for cigarettes also with those under Art. 5, can be manufactured and imported to the Slovak Republic no

later than 31 October 2004; the nicotine yield therein shall not be greater than 1.2 mg/cig and the tar yield shall not greater than 12 mg/cig.

5) Act No. 71/1967 Coll. on administrative proceedings (Rules of Administrative Procedure), as altered and amended.

6) Act No. 372/1990 Coll. on infractions, as altered and amended.

(2) Placing the cigarettes referred to in paragraph 1 on the market shall be terminated no

later than 31 May 2005.

(3) Placing tobacco products, except for the cigarettes referred to in paragraph 1, on the market shall be terminated no later than 31 May 2005.

(4) The manufacturer and the importer of tobacco products shall submit the Ministry the referred to in Art. 3 for the first time no later than 1 December 2004.

Art. 13

Final provisions

The legal act of the European Communities and of the European Union referred to in the annex shall be transposed by this Act.

Article 14

Repealing provisions

Act No. 67/1997 Coll. on the protection of non-smokers, as amended by Act No.

147/2001 Coll., Act No. 553/2001 Coll., Act No. 23/2002 Coll. and Act No. 128/2002 Coll.

shall be repealed.