

## ZOUT – consolidated version

### I. GENERAL PROVISIONS

#### Article 1

In accordance with Directive 2001/37/EC of the European Parliament and Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ 194 of 18 July 2001, p. 26) and Directive 2003/33/EC of the European Parliament and Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ 152 of 20 June 2003, p. 16), this act sets out the measures to limit the use of tobacco products and measures to prevent their harmful effects on health.

#### Article 2

The individual terms used in this act are defined as follows:

1. Tobacco products are products that contain tobacco, genetically modified or not, that are intended for smoking, sniffing, sucking or chewing.
2. Tar is the dry undiluted nicotine-free condensate of smoke generated in smoking.
3. Nicotine means nicotinic alkaloids.
4. Carbon monoxide is a constituent of the gaseous phase of smoke generated in the incomplete combustion of tobacco and other organic components of tobacco products.
5. Tobacco for oral use means all tobacco products for oral use, other than those for smoking or chewing, made wholly or partly from tobacco in powder or particulate form or in any combination of powder and particulates, in sachets or in any other packaging, or in a form resembling a food product.
6. Ingredient means any substance or constituent used in the manufacture or preparation of a tobacco product, other than tobacco leaf and other natural or unprocessed tobacco plant parts, that is still present in the finished product, even if in altered form, including, paper, filter, inks and adhesives.
7. Advertising and promotion of tobacco and tobacco products is any direct or indirect commercial communication, recommendation or act with the aim, effect or possible effect of promoting tobacco products or the use of tobacco.
8. Sponsorship of an event, activity or individual is any direct or indirect form of contribution to an event, activity or individual with the aim, effect or possible effect of promoting tobacco products or the use of tobacco.

9. Information society services means services in the sense of point 3 of Article 35 of the Electronic Communications Act (Official Gazette of the Republic of Slovenia, No. 43/04).
10. A smoking room is an enclosed area that is physically separate from other enclosed areas, and is specially regulated exclusively for smoking.

### Article 3

Public spaces pursuant to this act are those designed for activities in the fields of healthcare, childcare, education, social work, traffic, public transport, trade, catering and tourism, sport and recreation, and culture.

Public spaces specified in the previous paragraph are specifically waiting rooms, conference rooms, cinema halls, theatres, health, childcare, education and social institutes, catering premises, shops, sports halls, means of public transport, lifts, cable cars, public toilets and other spaces where non-smokers are exposed to cigarette smoke against their will.

### Article 4

Work premises pursuant to this act means any closed area under the control of an employer where work and services are performed for the employer.

### Article 5

The Government of the Republic of Slovenia's Health Council shall attend to overall social concern for the protection of public health from the harmful effects of tobacco products, performing the following tasks in this area:

- monitoring the effects of the use of tobacco products on public health, and proposing appropriate measures that require an interdepartmental approach,
- proposing measures to limit the use of tobacco products,
- monitoring the implementation of the integrated programme to prevent the use of tobacco products, and measures to prevent the harmful consequences,
- carrying out other tasks to limit the use of tobacco products and to prevent the harmful consequences of the use of tobacco products.

In conjunction with the relevant ministries, institutions, experts and NGOs, the ministry responsible for health shall draw up two-year programmes to limit the use of tobacco products and to mitigate the harmful consequences of the use of tobacco products (hereinafter: programmes), consisting of the measures specified in Article 5a of this act.

The programmes specified in the previous paragraph shall be adopted by the Government of the Republic of Slovenia at the proposal of the ministry responsible for health.

### Article 5a

The measures to prevent the harmful effects of the use of tobacco products shall include:

- monitoring the use of tobacco products and the extent of the harmful effects of their use on health;
- providing information to the general public and individual groups within the public, educating them and raising awareness among them about the harmful effects of the use of tobacco products;
- coordinating activities for enrolment in programmes to give up smoking and the use of tobacco products;
- coordinating, monitoring and evaluating preventive programmes for individual groups within the public;
- drawing up, implementing and evaluating programmes to encourage a healthy lifestyle among various age groups and social groups;
- providing expertise and support for institutions, associations, NGOs, local authorities and individuals in the implementation of preventive programmes aimed at limiting smoking.

The implementation of the measures set out in this article shall be the power and responsibility of the Institute of Public Health, in conjunction with the regional health institutes that in accordance with this article and the National Public Health Programme directly perform the tasks related to the aforementioned measures.

## II. MAXIMUM CONTENT OF HARMFUL INGREDIENTS

### Article 6

As of 1 January 1997 it shall be prohibited to manufacture and sell cigarettes containing more than 15 mg of tar per cigarette.

As of 1 January 1998 it shall be prohibited to manufacture and sell cigarettes containing more than 12 mg of tar per cigarette.

As of 1 January 2004 it shall be prohibited to manufacture and sell cigarettes containing more than the following in the Republic of Slovenia and in Member States of the European Union, and to export them to other countries as of 1 January 2007:

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

The minister of health shall set out in detail the conditions that must be met by tobacco products with regard to health compliance.

### Article 7

The tar, nicotine and carbon monoxide content of cigarettes shall be determined using a method that meets the following standards:

- ISO 4387 for tar;
- ISO 10135 for nicotine;
- ISO 8454 for carbon monoxide.

The accuracy of the figure for tar and nicotine content printed on the packet or other individual packaging (hereinafter: the packaging) shall be determined using ISO 8243.

### III. MEASURES TO REDUCE THE USE OF TOBACCO PRODUCTS

#### Article 8

The manufacture and sale of cigarettes that do not have the milligram content of tar, nicotine and carbon monoxide of a single cigarette printed on the packaging shall be prohibited.

The figures specified in the previous paragraph must comprise at least 10% of the surface area of the side of the packaging.

#### Article 9

It shall be prohibited to manufacture and sell tobacco products, other than tobacco products for chewing and sniffing, that do not have one of the following warnings printed on the packaging and on the outside packaging used for the retail sale of the product (hereinafter: the outside packaging):

“Kajenje ubija. Opustite kajenje: tel. št. xxxxxxxxx.” (Smoking kills. To give up smoking, call: xxxxxxxxx.)

“Kajenje resno škoduje vam in ljudem okoli vas. Opustite kajenje: tel. št. xxxxxxxxx.” (Smoking seriously harms you and others around you. To give up smoking, call: xxxxxxxxx.)

The warning specified in the previous paragraph must be printed on the front of the packaging and the outside packaging, except on additional transparent wrappers, used for the retail sale of the product. The warning must comprise at least 30% of the surface area of the outside of the front of the packaging and outside packaging on which the warning is printed.

The warnings specified in the first paragraph of this article must be rotated regularly, so that each warning appears on the same quantity of manufactured and sold tobacco products in the current year.

It shall be prohibited to manufacture and sell tobacco products, other than tobacco products for chewing and sniffing, that do not have one of the following warnings printed in addition to the warning specified in the first paragraph of this article:

1. "Kadilci umirajo mlajši." (Smokers die younger.)
2. "Kajenje maši žile in povzroča srčni infarkt in možgansko kap." (Smoking clogs the arteries and causes heart attacks and strokes.)
3. "Kajenje povzroča smrt zaradi pljučnega raka." (Smoking causes fatal lung cancer.)
4. "Kajenje med nosečnostjo škoduje vašemu otroku." (Smoking when pregnant harms your baby.)
5. "Varujte otroke pred vdihavanjem vašega cigaretnega dima." (Protect children: don't make them breathe your smoke.)
6. "Vaš zdravnik ali farmacevt vam lahko pomaga opustiti kajenje." (Your doctor or your pharmacist can help you stop smoking.)
7. "Kajenje povzroča hudo zasvojenost, zato ne začnite kaditi." (Smoking is highly addictive, don't start.)
8. "Opustitev kajenja zmanjša tveganje za smrt zaradi bolezni srca in pljuč." (Stopping smoking reduces the risk of fatal heart and lung diseases.)
9. "Kajenje lahko povzroči počasno in boleče umiranje." (Smoking can cause a slow and painful death.)
10. "Poiščite pomoč pri opuščanju kajenja: posvetujte se z zdravnikom." (Get help to stop smoking: consult your doctor.)
11. "Kajenje lahko zmanjša pretok krvi in povzroči impotenco." (Smoking may reduce the blood flow and cause impotence.)
12. "Kajenje povzroča staranje kože." (Smoking causes ageing of the skin.)
13. "Kajenje lahko škoduje spermi in zmanjša plodnost." (Smoking can damage the sperm and decrease fertility.)
14. "Cigaretni dim vsebuje benzen, nitrosamine, formaldehid in vodikov cianid." (Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide.)

The warning specified in the previous paragraph must be printed on the rear of the packaging and outside packaging, except on additional transparent wrappers, used for the retail sale of the product. The warning must comprise at least 40% of the surface area of the outside of the rear of the packaging and outside packaging on which the warning is printed.

The warnings specified in the fourth paragraph of this article must be rotated regularly, so that each warning appears on the same quantity of manufactured and sold tobacco products in the current year.

The minister responsible for health shall designate the telephone number specified in the first paragraph of this article, and the conditions for the operation of the service on the aforementioned number.

#### Article 9a

It shall be prohibited to sell tobacco products for chewing and sniffing that do not have the following warning printed on the most visible surface of the packaging and the outside packaging, except on additional transparent wrappers, used for the retail of the product: “Ta tobačni izdelek lahko škoduje vašemu zdravju in povzroča zasvojenost.” (This tobacco product can damage your health and is addictive.)

The warning specified in the previous paragraph must comprise at least 30% of the outside surface of the packaging and outside packaging on which the warning is printed.

#### Article 9b

The packaging of tobacco products other than cigarettes and tobacco products for chewing and sniffing whose most visible surface area exceeds 75 cm<sup>2</sup> must contain the warnings specified in the first and fourth paragraphs of Article 9 of this act in a size of at least 22.5 cm<sup>2</sup> on the front and 22.5 cm<sup>2</sup> on the rear of the packaging.

#### Article 9c

The figures specified in the first paragraph of Article 8 of this act and the warnings specified in the first and fourth paragraphs of this act and in the first paragraph of Article 9a of this act must be:

- printed in black Helvetica bold type on a white background, in a font size that occupies the greatest possible part of the area envisaged for the warning and figures;
- printed in lower case, except for the first letter and where so required by rules of grammar;
- surrounded by a black border 3 mm to 4 mm in width that in no way interferes with the text or the figures, with the exception of the warning specified in the first paragraph of Article 9a of this act;
- printed in Slovene;
- printed such that it cannot be removed or destroyed, and may not be hidden, obscured or interrupted by other inscriptions or symbols, or by the opening of the packaging.

The figures specified in the first paragraph of Article 8 of this act and the warnings specified in the first and fourth paragraphs of Article 9 of this act and in the first paragraph of Article 9a of this act may not be located on the official tobacco stamp affixed to the packaging of the tobacco product.

Other than on the packaging and outside packaging of cigarettes, the figures specified in the first paragraph of Article 8 of this act and the warnings specified in the first and fourth

paragraphs of Article 9 of this act and in the first paragraph of Article 9a of this act may be affixed by means of a sticker, provided that the sticker is irremovable.

The batch numbering or equivalent must be indicated on the packaging of a tobacco product to allow the place and date of manufacture to be determined.

It shall be prohibited to use wording, names, trademarks, symbols or other signs on the packaging and outside packaging of tobacco products that could imply that a specific tobacco product is less harmful, using expressions such as light, mild, low-nicotine, low-tar, super light or ultra light.

#### Article 10

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

The illustration of logos and other signs for labelling tobacco and tobacco products on items that are not classed as tobacco products pursuant to this act shall be deemed indirect advertising of tobacco and tobacco products. The supply of tobacco products free of charge in a public place and in public spaces shall also be deemed indirect advertising.

The advertising of products that are not classed as tobacco or tobacco products but whose appearance and purpose of use directly promote the consumption of tobacco and tobacco products shall be prohibited.

The announcement of data on the quality and other properties of tobacco and tobacco products in professional journals and magazines and in publications aimed at informing manufacturers and sellers of such products shall not be deemed advertising pursuant to this act.

#### Article 11

The provisions of the previous article notwithstanding, the advertising of tobacco and tobacco products shall be allowed in the form and image of a registered trademark:

- on smoking accessories;
- in the commercial premises of companies engaged in the manufacture, distribution and wholesale of tobacco products in a total area of up to 7 m<sup>2</sup>;
- on the outside and inside signage of shops selling tobacco products in a total area of up to 7 m<sup>2</sup>.

The advertising of tobacco products specified in the previous paragraph shall only be allowed in the form of a mark that is registered and that does not mention or illustrate the tobacco product, its packaging or its use.

#### Article 12

Deleted (Official Gazette of the Republic of Slovenia, No. 101-4396/2005)

(see Note (2))

(The provisions of Article 10 of this act notwithstanding, manufacturers and wholesalers of tobacco products may inform consumers of new tobacco products in one-off campaigns in mass media.

Tobacco products whose tar and nicotine content have been reduced by 10% or more from the same type of product already on sale with the lowest tar and nicotine content shall be deemed new tobacco products.)

### Article 13

Deleted (Official Gazette of the Republic of Slovenia, No. 101-4396/2005)

(see Note (2))

(A campaign to inform consumers specified in the previous article may last no more than 15 days uninterrupted, the day of the first public announcement to consumers being deemed the beginning of the campaign. Announcements of campaigns to inform consumers must meet the following conditions:

- the announcements may not contain elements that would refer to young people or in any way encourage the use of tobacco products,
- the announcements may not be published on television or radio, or in the periodical press,
- the announcements may not appear on notice boards, blackboards, billboards or illuminations that are located less than 300 m from a kindergarten or school, or inside sports facilities,
- the announcements may not show young people, or people whose work or achievements in the fields of sport, music, art, business or politics make them a role model for young people,
- the announcements may not show causal links between the use of tobacco products and success in life,
- the announcements may not be published in children's cinemas, and may only be shown in other cinemas after 8 pm, with the announcement lasting no more than 20 seconds,
- the announcements may not use wording, brand names, symbols or other signs that could imply that a specific tobacco product is less harmful, using expressions such as light, mild, low-nicotine, low-tar, super light or ultra light.

All written or printed announcements in campaigns to inform consumers must contain the information specified in the first paragraph of Article 8 of this act and one of the warnings specified in the first paragraph of Article 9 of this act in the extent of at least 25% of the area of the announcement.



Announcements made on film screens must show one of the warnings specified in the first paragraph of Article 9 of this act for at least 10 seconds at the end.

The announcement of the harmfulness of tobacco must be printed on the lower part of the centre of the poster, thus occupying half of the left and half of the right quarters of the poster. The letters of the announcement must be legible from a distance of 10 m.)

#### Article 14

It shall be prohibited to sell tobacco products to persons younger than 18. Tobacco products may not be sold by persons younger than 18.

It shall be prohibited to sell tobacco products from vending machines.

It shall be prohibited to sell single cigarettes and other tobacco products outside the manufacturer's original packaging.

It shall be prohibited to sell tobacco for oral use.

The prohibition on selling tobacco products to persons younger than 18 must be declared in a visible place in sales outlets for tobacco products.

#### Article 15

A vendor may require that any person buying tobacco products who is suspected to be younger than 18 prove his/her age using a public document. The vendor may not sell tobacco products to any person who refuses to do so.

#### Article 16

It shall be prohibited to smoke in an enclosed public space and work premises. Any space with a roof where more than half of the area of the appurtenant walls is completely closed shall be deemed an enclosed public space or work premises. Smoking shall also be prohibited in areas that pursuant to this act are not deemed enclosed spaces, if they are part of the appurtenant functional land of areas where childcare and education are provided.

The previous paragraph notwithstanding, smoking shall be allowed:

- in areas specially designated for smokers at residential facilities and other accommodation providers,
- in senior citizens' homes and jails in areas not intended for common use, should smokers alone 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 smoking rooms.

Smoking rooms shall not be allowed in areas where healthcare, childcare or education are provided.

The owner, tenant or manager of the spaces where smoking is prohibited shall be responsible for upholding the prohibition on smoking.

#### Article 17

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 the public space and/or work premises,
- the space must be designed exclusively for smoking, with service not allowed in the space,
- food and beverages may not be consumed in the space.

The minister responsible for health shall set out the detailed conditions to be met by smoking rooms.

#### Article 18

Deleted (Official Gazette of the Republic of Slovenia, No. 60-3210/2007)

(see Note (3))

(Any employee shall have the right to request that the employer allow him/her to perform their work in premises where the air is not contaminated by cigarette smoke.

Should the employer be unable to satisfy the employee's request in the case specified in the previous paragraph by reassignment to other work premises, the employer must prohibit smoking in the employee's work premises.)

### IIIa. INFORMATION ABOUT TOBACCO PRODUCTS

#### Article 18a

For all cigarettes marketed in the Republic of Slovenia the manufacturer or importer of the cigarettes must measure the content of the substances specified in Article 7 of this act at least once a year.

The measurements specified in the previous paragraph shall be made by laboratories that meet the conditions with regard to personnel, expertise and technical capacity, and that have been approved by the minister responsible for health.

The conditions with regard to personnel, expertise and technical capacity that must be met by a laboratory specified in the previous paragraph shall be set out by the minister responsible for health.

The costs of the measurement specified in the first paragraph of this article shall be borne by the manufacturer or importer of the cigarettes.

Laboratories specified in the second paragraph of this article shall also make measurements at the request of the health inspectorate.

The following shall be informed of the results of the measurements made by laboratories specified in the second paragraph of this article:

- the manufacturer or importer of the cigarettes, in the case of measurement pursuant to the first paragraph of this article;
- the Institute of Public Health.

#### Article 18b

Individual manufacturers and importers of tobacco products shall be obliged to submit the following documentation to the public institution of the Institute of Public Health once a year:

- a list of the ingredients and the quantities of the ingredients used in the manufacture of tobacco products, by brand and type, which must be composed with regard to the weight of the individual ingredients in the tobacco product, beginning with the heaviest;
- a statement of the reasons for the inclusion of the ingredients with an indication of their function and type;
- the toxicological data available to manufacturers and importers in connection with the ingredients in burnt or unburnt form as appropriate, referring in particular to their effects on health, taking any addictive effects into account *inter alia*.

#### Article 18c

The Institute of Public Health must notify the ministry responsible for health once a year, and also the European Commission on the day of accession to the European Union, of:

- the results of measurements made for all cigarettes manufactured and sold in the Republic of Slovenia;
- any breaches identified in connection with the third paragraph of Article 6 of this act;
- the data obtained on the basis of the submitted documentation specified in the previous article, the protection of data in connection with the specific formula of a tobacco product that is classed as commercially confidential being taken into consideration.

The deadlines and methods for the notification specified in the previous paragraph shall be set out by the minister responsible for health.

The figures for tar content, nicotine content and carbon monoxide content shall not be deemed data in connection with the specific formula specified in the third indent of the first paragraph of this article.

#### IV. FUNDS

##### Article 19

Funds shall be provided in the state budget for the implementation of the tasks of the Health Council specified in Article 5 of this act and for the implementation of the tasks of the Institute of Public Health specified in Article 18c.

Funds shall be provided in the state budget for the implementation of the programmes specified in Article 5 and the measures specified in Article 5a of this act. The amount of funding shall be determined by an annual budget in proportion to the projected need and the revenues from excise duties on tobacco products.

#### V. SUPERVISION

##### Article 20

Supervision of the implementation of the law 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, and the Customs Administration of the Republic of Slovenia.

The Health Inspectorate of the Republic of Slovenia shall conduct supervision of:

- the tar content, nicotine content and carbon monoxide content of cigarettes (Article 6);
- the application and upholding of the prohibition of smoking in public spaces specified in Article 16 of this act;
- individuals who fail to uphold the prohibition of smoking in public spaces specified in Article 16 of this act;
- the conditions that must be met by smoking rooms in enclosed public spaces (Article 17).

Should the Health Inspectorate of the Republic of Slovenia determine that tobacco products are being manufactured and sold in contravention of Article 6 of this act, it shall by virtue of a ruling prohibit the manufacture and sale of the tobacco products, and shall order their removal from manufacture and sale. An appeal against the ruling shall not stay its implementation.

The Labour Inspectorate of the Republic of Slovenia shall conduct supervision of:

- the application and upholding of the prohibition of smoking in work premises specified in Article 16 of this act;

- individuals who fail to uphold the prohibition of smoking in work premises specified in Article 16 of this act;
- the conditions that must be met by smoking rooms in work premises (Article 17).

The Market Inspectorate of the Republic of Slovenia shall conduct supervision of:

- the conditions that must be met by tobacco and tobacco products (Articles 8, 9, 9a, 9b and 9c);
- the prohibition of sponsorship by and the advertising of tobacco and tobacco products (Article 10);
- the advertising of tobacco and tobacco products in the form and image of a registered trademark (Article 11);
- the prohibition of the sale of tobacco products to persons younger than 18, and the prohibition of the sale of tobacco products by persons younger than 18 (first paragraph of Article 14);
- the declaration of the prohibition of the sale of tobacco products to persons younger than 18 (second paragraph of Article 14).

Should the relevant inspection body determine that tobacco products are being manufactured and sold in contravention of Articles 8, 9, 9a, 9b or 9c of this act, it shall by virtue of a ruling prohibit the manufacture and sale of the tobacco products, and shall order their removal from manufacture and sale. An appeal against the ruling shall not stay its implementation.

Should the relevant inspection body determine that tobacco and tobacco products are providing sponsorship or being advertised in contravention of Article 10 of this act, it shall by virtue of a ruling prohibit such sponsorship or advertising. For the implementation of the ruling the relevant inspection body shall order the immediate removal of the advertising material at the cost of the legal person or individual committing the misdemeanour in connection with Article 10 of this act. An appeal against the ruling shall not stay its implementation.

Should the relevant inspection body determine that a smoking room fails to meet the conditions specified in Article 17 of this act, it shall by virtue of a ruling prohibit the use of the smoking room until the breach is rectified. An appeal against the ruling shall not stay its implementation.

The Customs Administration of the Republic of Slovenia shall conduct supervision of the conditions that must be met by tobacco and tobacco products (Articles 8 and 9).

## VI. PENALTY PROVISIONS

### Article 21

A fine of €2,000 to €33,000 shall be imposed for a misdemeanour upon a legal person that:

1. manufactures or sells cigarettes containing more than 12 mg of tar per cigarette (second paragraph of Article 6);

2. manufactures or sells cigarettes containing more than 10 mg of tar per cigarette, 1 mg of nicotine per cigarette or 10 mg of carbon monoxide per cigarette after 1 January 2004 in the Republic of Slovenia or a Member State of the European Union, or exports such cigarettes to other countries after 1 January 2007 (third paragraph of Article 6);
3. manufactures or sells cigarettes that do not have the figures for the tar content, nicotine content and carbon monoxide content of a single cigarette printed on the side of the packaging (Article 8), in the manner set out by the first paragraph of Article 9c of this act, or that have erroneous figures printed;
4. manufactures or sells tobacco products that do not have one of the warnings specified in the first paragraph of Article 9 of this act printed on the front of the packaging and outside packaging, in the manner set out by the second and third paragraphs of Article 9 of this act and the first paragraph of Article 9c of this act;
5. manufactures or sells tobacco products that do not have one of the warnings specified in the fourth paragraph of Article 9 of this act printed on the rear of the packaging and outside packaging, in the manner set out by the fifth and sixth paragraphs of Article 9 of this act and the first paragraph of Article 9c of this act;
6. sells tobacco products for chewing and sniffing that do not have one of the warnings specified in the first paragraph of Article 9a of this act printed on the most visible surface of the packaging and outside packaging, except on additional transparent wrappers, used for the retail sale of the product, in the manner set out by the second paragraph of Article 9a of this act and the first paragraph of Article 9c of this act;
7. sells tobacco products other than cigarettes and tobacco products for chewing and sniffing in packaging whose most visible surface exceeds 75 cm<sup>2</sup> but that does not have the warnings specified in the first and fourth paragraphs of Article 9 of this act printed in a size of at least 22.5 cm<sup>2</sup>, in the manner set out by the first paragraph of Article 9c of this act;
8. sells tobacco products that have the figures specified in the first paragraph of Article 8 of this act and the warnings specified in the first and fourth paragraphs of Article 9 of this act and the first paragraph of Article 9a of this act printed on the official tobacco stamp affixed to the packaging (second paragraph of Article 9c);
9. sells tobacco products in contravention of the third paragraph of Article 9c of this act;
10. sells tobacco products without an indication of the batch numbering or equivalent (fourth paragraph of Article 9c of this act);
11. sells tobacco products that use wording, names, trademarks, symbols or other signs on the packaging and outside packaging of tobacco products that could imply that a specific tobacco product is less harmful (fifth paragraph of Article 9c of this act);
12. provides sponsorship by or advertises tobacco or tobacco products (first paragraph of Article 10);
13. advertises products that are not classed as tobacco or tobacco products but whose appearance and purpose of use directly promote the consumption of tobacco and tobacco products (third paragraph of Article 10);
14. advertises tobacco and tobacco products in contravention of Article 11 of this act;
15. sells tobacco products to persons younger than 18, fails to declare the prohibition of sale in a visible place, or uses a person younger than 18 to sell tobacco products (Article 14);
16. sells tobacco products from vending machines (second paragraph of Article 14);
17. sells cigarettes and other tobacco products outside the manufacturer's original packaging (third paragraph of Article 14);
18. sells tobacco for oral use (fourth paragraph of Article 14);

19. fails to uphold the prohibition of smoking in public spaces or work premises (Article 16);
20. fails to ensure that smoking rooms meet the conditions specified in Article 17 of this act;
21. fails to act pursuant to the provisions of Articles 18a and 18b of this act;
22. fails to act pursuant to the provision of Article 20 of this act.

A fine of €400 to €1,000 shall be imposed upon the responsible officer of a legal person that commits a misdemeanour specified in the previous paragraph.

A fine of €800 to €4,000 shall be imposed upon a sole trader who commits a misdemeanour specified in the first paragraph of this article.

The security measure of the mandatory seizure of the tobacco products that are the subject of the misdemeanour shall be pronounced in addition to the fine for the misdemeanours specified in points 1 to 12 and points 17 and 18 of the first paragraph of this article, and also the seizure of the vending machines for the misdemeanour specified in point 16 of the first paragraph of this article.

#### Article 22

A fine of €125 shall be imposed upon an individual who:

- provides tobacco products free of charge in a public place and in public spaces (second paragraph of Article 10);
- smokes in a public space or work premises where smoking is prohibited (Article 16).

### VII. TRANSITIONAL AND FINAL PROVISIONS

#### Article 23

Manufacturers and importers of tobacco products must provide for the printing of the figures specified in Article 8 and the warning specified in Article 9 of this act within six months of its entry into force.

#### Article 24

On the day that this act enters into force, Article 45 of the Occupational Health and Safety Act (Official Gazette of the Socialist Republic of Slovenia, Nos. 32/74, 16/80, 25/86 and 47/86) shall cease to be in force.

#### Article 25

This act shall enter into force on the thirtieth day after its publication in the Official Gazette of the Republic of Slovenia.

(Published on 19 October 1996)

(1) The Act Amending the Limitation of the Use of Tobacco Products Act (the ZOUTI-A; Official Gazette of the Republic of Slovenia, No. 119-5830/2002) published on 30 December 2002 and in force since 29 January 2003 also stipulates:

“Article 19

The provision of the fifth paragraph of Article 9c of the limitation of the use of tobacco products act shall begin to be applied on 1 January 2004.

Cigarettes not labelled in accordance with the act may be manufactured, imported and sold until 1 January 2004. All other tobacco products not labelled in accordance with this act may be sold until 30 September 2004.

The prohibition of the sale of tobacco for oral use shall enter into force on 30 June 2003.

Article 20

The minister responsible for health shall issue the regulations specified in the third paragraph of Article 18a of the act, designate the laboratories specified in the second paragraph of Article 18a of the act, and set out the deadlines and methods for notification specified in the second paragraph of Article 18c of the act within three months of the entry into force of this act.”

(2) The Act Amending the Limitation of the Use of Tobacco Products Act (the ZOUTI-B; Official Gazette of the Republic of Slovenia, No. 101-4396/2005) published on 11 November 2005 has been in force since 12 November 2005.

(3) The Act Amending the Limitation of the Use of Tobacco Products Act (the ZOUTI-C; Official Gazette of the Republic of Slovenia, No. 60-3210/2007) published on 6 July 2007 and in force from 5 August 2007 also stipulates:

“Article 12

The minister responsible for health shall issue the regulations specified in the seventh paragraph of Article 9 of the act within 30 days of the entry into force of this act.

Manufacturers and importers of tobacco products must provide for the printing of the figures specified in the first paragraph of Article 9 of the act within eight months of the entry into force of this act.

After the deadline specified in the second paragraph of this article has passed, the manufacture and import of tobacco products that do not have the figures specified in the first paragraph of Article 9 of the act printed shall not be allowed, but the sale of tobacco products already placed on the market by the aforementioned deadline shall be



allowed, the final deadline for this sale not exceeding one year after the deadline specified in the second paragraph of this article.

### Article 13

The minister responsible for health shall issue the regulation specified in the second paragraph of Article 17 of the act within 30 days of its entry into force.”