

REPORTING INSTRUMENT

1. Origin of the report [Help](#)

(a) Name of Contracting Party <input type="checkbox"/> Help	Austria
(b) Information on National Contact/Focal Point <input type="checkbox"/> Help	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
(c) Information on contact officer submitting the national report if different from the above <input type="checkbox"/> Help	
Name and title of contact officer	Dr. Johanna Schopper
Mailing address	Ministry of Health, Family and Youth
Telephone number	+43 (1) 71100-4412
Fax number	+43 (1) 713 4404 1611
E-mail	johanna.schopper@bmgfj.gv.at
(d) Signature of the officer responsible for submitting report <input type="checkbox"/> Help	
Name and title of officer	
Full name of the institution	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
(e) Period reported <input type="checkbox"/> Help	2005-2007
(f) Date the report was submitted <input type="checkbox"/> Help	

2. Demographics [Help](#)

(a) Age and sex: [Help](#)

Year (latest available)	Age groups	Percentage of <i>male</i> population	Percentage of <i>female</i> population	Percentage of <i>total</i> population
2004	14-15	2,5	2,2	
2004	16-19	5,0	4,5	
2004	20-24	6,6	6,1	
2004	25-29	6,4	6,0	
2004	30-34	7,6	7,2	
2004	35-39	9,0	8,3	
2004	40-44	8,8	8,1	
2004	45-49	7,4	7,0	
2004	50-54	6,2	6,0	
2004	55-59	5,8	5,6	
2004	60-64	6,1	6,2	
2004	65-69	4,1	4,4	
2004	70+	8,6	14,2	

(b) Ethnicity (optional): [Help](#)

Name of ethnic group	Percentage of total population
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3. Tobacco use¹

i. Prevalence (ref. Article 19.2(a), Article 20.2 and Article 20.3(a)) [Help](#)

(a) Smoking tobacco: [Help](#)

	Age groups ² (adults) 16-19	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ³	59	cigarettes	2005	40,4
Occasional smokers ²	23	cigarettes	2005	15,8
Females				
Daily smokers ²	81	cigarettes	2005	44,3
Occasional smokers ²	43	cigarettes	2005	23,5
Total (males and females)				
Daily smokers ²	140	cigarettes	2005	
Occasional smokers ²	66	cigarettes	2005	

	Age group (Adult) 20-24	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ⁴	126	cigarettes	2005	45,3

¹ The prevalence data provided by Austria derives from the outcomes of the Austrian survey "Österreichweite Repräsentativerhebung zu Substanzgebrauch" conducted on behalf of the Federal Ministry of Health, Family and Youth 2004 (A. Uhl et al, Wien, 2005) taking under consideration also further current sources. It is to be pointed out that data from a recent survey (Health survey 2006/07, Statistik Austria, Vienna, 2007) show significant lower prevalence rates. Information about this inexplicable gap is expected from further surveys. The data 2004 are coherent with regard to sales statistics and the estimated number of unreported cases. The decrease of 15 % concerning the average smoked cigarettes per capita since 1980 could be connected either with the decrease of smoker prevalence rates or the decrease of per capita consumption over the years by accordingly high prevalence rates (A. Uhl, LBI Sucht, Wien 2007, publication will be released soon).

² Preferably by 10-year categories; e.g. 25-34, 35-44, etc.

³ Definitions to be provided by the Parties.

Occasional smokers ²	55	cigarettes	2005	19,8
Females				
Daily smokers ²	138	cigarettes	2005	48,3
Occasional smokers ²	64	cigarettes	2005	22,4
Total (males and females)				
Daily smokers ²	264	cigarettes	2005	
Occasional smokers ²	120	cigarettes	2005	

	Age group (Adult) 25-29	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ⁵	61	cigarettes	2005	35,3
Occasional smokers ²	36	cigarettes	2005	20,8
Females				
Daily smokers ²	77	cigarettes	2005	41,0
Occasional smokers ²	30	cigarettes	2005	16,0
Total (males and females)				
Daily smokers ²	138	cigarettes	2005	
Occasional smokers ²	66	cigarettes	2005	

	Age group (Adult) 30-34	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ⁶	90	cigarettes	2005	43,7
Occasional smokers ²	23	cigarettes	2005	11,2
Females				
Daily smokers ²	88	cigarettes	2005	38,8
Occasional smokers ²	49	cigarettes	2005	21,6
Total (males and females)				

⁴ Definitions to be provided by the Parties.

⁵ Definitions to be provided by the Parties.

⁶ Definitions to be provided by the Parties.

Daily smokers ²	178	cigarettes	2005	
Occasional smokers ²	72	cigarettes	2005	

	Age group (Adult) 35-39	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ⁷	112	cigarettes	2005	50,2
Occasional smokers ²	38	cigarettes	2005	17,0
Females				
Daily smokers ²	102	cigarettes	2005	42,0
Occasional smokers ²	32	cigarettes	2005	13,2
Total (males and females)				
Daily smokers ²	214	cigarettes	2005	
Occasional smokers ²	70	cigarettes	2005	

	Age group (Adult) 40-44	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ⁸	86	cigarettes	2005	40,6
Occasional smokers ²	33	cigarettes	2005	15,6
Females				
Daily smokers ²	91	cigarettes	2005	41,2
Occasional smokers ²	30	cigarettes	2005	13,6
Total (males and females)				
Daily smokers ²	177	cigarettes	2005	
Occasional smokers ²	63	cigarettes	2005	

	Age group (Adult) 45-49	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				

⁷ Definitions to be provided by the Parties.

⁸ Definitions to be provided by the Parties.

Daily smokers ⁹	58	cigarettes	2005	38,9
Occasional smokers ²	21	cigarettes	2005	14,1
Females				
Daily smokers ²	54	cigarettes	2005	35,1
Occasional smokers ²	19	cigarettes	2005	12,3
Total (males and females)				
Daily smokers ²	112	cigarettes	2005	
Occasional smokers ²	40	cigarettes	2005	

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	Age group (Adult) 50-54	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ¹⁰	60	cigarettes	2005	41,4
Occasional smokers ²	16	cigarettes	2005	11,0
Females				
Daily smokers ²	73	cigarettes	2005	36,5
Occasional smokers ²	10	cigarettes	2005	5,0
Total (males and females)				
Daily smokers ²	133	cigarettes	2005	
Occasional smokers ²	26	cigarettes	2005	

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	Age group (Adult) 55-59	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ¹¹	42	cigarettes	2005	39,6
Occasional smokers ²	13	cigarettes	2005	12,3
Females				
Daily smokers ²	59	cigarettes	2005	39,1
Occasional smokers ²	12	cigarettes	2005	7,9

⁹ Definitions to be provided by the Parties.

¹⁰ Definitions to be provided by the Parties.

¹¹ Definitions to be provided by the Parties.

Total (males and females)				
Daily smokers ²	101	cigarettes	2005	
Occasional smokers ²	25	cigarettes	2005	

	Age group (Adult) 60-64	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ¹²	59	cigarettes	2005	29,1
Occasional smokers ²	18	cigarettes	2005	8,9
Females				
Daily smokers ²	61	cigarettes	2005	29,8
Occasional smokers ²	16	cigarettes	2005	7,8
Total (males and females)				
Daily smokers ²	120	cigarettes	2005	
Occasional smokers ²	34	cigarettes	2005	

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	Age group (Adult) 65-69	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ¹³	34	cigarettes	2005	25,2
Occasional smokers ²	7	cigarettes	2005	5,2
Females				
Daily smokers ²	24	cigarettes	2005	16,7
Occasional smokers ²	9	cigarettes	2005	6,3
Total (males and females)				
Daily smokers ²	58	cigarettes	2005	
Occasional smokers ²	16	cigarettes	2005	

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	Age group (Adult) 70+	Tobacco products included	Year of data (latest available)	Prevalence (%)
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¹² Definitions to be provided by the Parties.

¹³ Definitions to be provided by the Parties.

Males				
Daily smokers ¹⁴	19	cigarettes	2005	18,6
Occasional smokers ²	2	cigarettes	2005	2,0
Females				
Daily smokers ²	14	cigarettes	2005	9,8
Occasional smokers ²	4	cigarettes	2005	2,8
Total (males and females)				
Daily smokers ²	33	cigarettes	2005	
Occasional smokers ²	6	cigarettes	2005	

ailable, please provide the average number of cigarettes smoked per day by the smoking population:

	Age groups ¹⁵ (adults) 16-19	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers¹⁶	82	cigarettes	2005	11,7
Female smokers²	124	cigarettes	2005	9,5
Total smokers²	206	cigarettes	2005	21,2

	Age group (Adult) 20-24	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers¹⁷	181	cigarettes	2005	12,2
Female smokers²	202	cigarettes	2005	9,8
Total smokers²	383	cigarettes	2005	22

	Age group (Adult) 25-29	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers¹⁸	97	cigarettes	2005	12,8

¹⁴ Definitions to be provided by the Parties.

¹⁵ Preferably by 10-year categories, e.g. 25-34, 35-44, etc.

¹⁶ Definitions to be provided by the Parties.

¹⁷ Definitions to be provided by the Parties.

Female smokers²	107	cigarettes	2005	13,3
Total smokers²	204	cigarettes	2005	26,1

	Age group (Adult) 30-34	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers¹⁹	113	cigarettes	2005	16,5
Female smokers²	137	cigarettes	2005	11,2
Total smokers²	250	cigarettes	2005	27,7

	Age group (Adult) 35-39	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²⁰	150	cigarettes	2005	17,2
Female smokers²	134	cigarettes	2005	13,5
Total smokers²	284	cigarettes	2005	30,7

	Age group (Adult) 40-44	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²¹	119	cigarettes	2005	19,0
Female smokers²	121	cigarettes	2005	13,7
Total smokers²	240	cigarettes	2005	32,7

	Age group (Adult) 45-49	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²²	79	cigarettes	2005	19,2

¹⁸ Definitions to be provided by the Parties.

¹⁹ Definitions to be provided by the Parties.

²⁰ Definitions to be provided by the Parties.

²¹ Definitions to be provided by the Parties.

²² Definitions to be provided by the Parties.

Female smokers²	73	cigarettes	2005	14,2
Total smokers²	152	cigarettes	2005	33,4

	Age group (Adult) 50-54	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²³	76	cigarettes	2005	18,1
Female smokers²	83	cigarettes	2005	15,0
Total smokers²	159	cigarettes	2005	31,1

	Age group (Adult) 55-59	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²⁴	55	cigarettes	2005	19,1
Female smokers²	83	cigarettes	2005	15,4
Total smokers²	138	cigarettes	2005	34,5

	Age group (Adult) 60-64	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²⁵	77	cigarettes	2005	17,1
Female smokers²	77	cigarettes	2005	15,8
Total smokers²	154	cigarettes	2005	32,9

	Age group (Adult) 65-69	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²⁶	41	cigarettes	2005	21,7

²³ Definitions to be provided by the Parties.

²⁴ Definitions to be provided by the Parties.

²⁵ Definitions to be provided by the Parties.

²⁶ Definitions to be provided by the Parties.

Female smokers²	33	cigarettes	2005	14,4
Total smokers²	74	cigarettes	2005	36,1

	Age group (Adult) 70+	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers²⁷	21	cigarettes	2005	13,3
Female smokers²	18	cigarettes	2005	12,9
Total smokers²	39	cigarettes	2005	28,4

(b) Smokeless tobacco, including snuff and chewing tobacco (optional): [Help](#)

	Age group 16-19	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 20-24	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				

²⁷ Definitions to be provided by the Parties.

Daily users				
Occasional users ²				

	Age group (Adult) 25-29	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 30-34	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 35-39	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				

Total				
Daily users				
Occasional users ²				

	Age group (Adult) 40-44	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 45-49	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 50-54	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				

Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 55-59	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 60-64	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 65-69	Tobacco products included	Year of data (latest available)	Prevalence (%)
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Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

	Age group (Adult) 70+	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

(c) If prevalence data is appropriate and available for ethnic groups, please provide. [Help](#)

	Ethnic group	Tobacco products included	Year of data (latest available)	Prevalence (%)
Daily users				
Occasional users ²				

(d) If prevalence data is appropriate and available for youth groups, please provide. [Help](#)

Create Youth Group

	Youth groups ²⁸	Tobacco products included	Year of data (latest available)	Prevalence ²⁹ (%)
Males				
Females				

ii. **Supply** [Help](#)

- (a) Licit supply of tobacco (ref. **Article 20.4(c)** and **Article 15.4(a)**) in accordance with **Article 15.5**) [Help](#)

	Domestic production	Exports	Imports
Year (latest available)			
Quantity (specify product and unit; e.g. millions of cigarettes)			

Note: licit supply = domestic production + (imports - exports)

In the Tax and Customs administration there are no data available concerning the domestic production of tobacco products. According to an EU-wide research of KPMG the legal supply reaches around 13,1 bln pieces of cigarettes in 2006.

- (b) Please provide information regarding duty-free sales volumes, if available. [Help](#)

There are no figures available concerning duty sales volumes

- (c) Seizures of illicit tobacco (ref. **Article 15.4(a)**) in accordance with **Article 15.5**) [Help](#)

	Year (latest available)	Quantity seized (specify unit, e.g., millions of pieces)

²⁸ Definitions to be provided by the Parties.

²⁹ Parties should provide definition for youth smoking; e.g. at least one cigarette in the past 30 days.

Cigarettes	2006	92,5 mio pieces
Other tobacco products	2006	242 kg tobacco

- (d) Please provide information regarding illicit or smuggled tobacco (optional) (ref. **Article 15.4(a)** in accordance with **Article 15.5**). [Help](#)

4. Taxation [Help](#)

- (a) Please provide your rates of taxation for tobacco products for all levels of government, and be as specific as possible (specify the type of tax: excise, VAT or sales, import duties) (ref. **Article 6.3**). [Help](#)

Excise tax for cigarettes 43% of the retail sales price plus further an amount of each 1000 pieces 15,7% of the retail price of the most common price category.

For cigars and cigarillos 13% of the retail sales price, minimum 32,7 EURO per 1 000 pieces;

For fine cut tobacco 47% of the retail sales price,

For other smoking tobacco 34% of the retail sales price

VAT 20 %

- (b) Please attach the relevant documentation (ref. **Article 6.3**). (Please provide documentation in one of the six official languages, if available.) [Help](#)
- (c) Please provide retail prices for the three most popular brands of domestic and imported tobacco products in your jurisdiction, and the relevant year (ref. **Article 6.2(a)**). [Help](#)

Year 2007

MARLBORO EURO 3,90 (per 20 pieces)

MEMPHIS EURO 3,35 (per 20 pieces)

MEINE SORTE EURO 3,60 (per 20 pieces)

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5. **Legislative, executive, administrative and other measures** [Help](#)

i. **Core questions** [Help](#)

It should be noted that the measures identified below are not exhaustive, but reflect the spirit and intent of the Convention.

Please check yes or no. For affirmative answers, you are asked to attach a brief summary and the relevant documentation. (Please provide documentation in one of the six official languages, if available.)

Article	Pursuant to Article 21.1(a) , have you adopted and implemented legislative, executive, administrative and/or other measures on:	Yes (please attach a brief summary and relevant documentation)	No	
Due to EU law no duty free shops are allowed at borders between EU countries and no systematic controls at borders to other EU countries are allowed as well.				
Price and tax measures to reduce the demand for tobacco				
6.2(b)	Prohibiting or restricting sales to and/or importations by international travellers of tax- and duty-free tobacco products? Limited allowances for importation of duty-free tobacco products according EU regulations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Protection from exposure to tobacco smoke			Full/Partial/None	
8.2 <input type="checkbox"/> Help	in indoor workplaces?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- government buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- health care facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- educational facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- private workplaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	in public transport?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	in indoor public places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- cultural facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	- bars and night clubs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
- restaurants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If you responded "Partial" to the measures outlined in Article 8.2, please provide specific details of the partial ban here:				
1. Notwithstanding employment law regulations -explained below - and smoking bans pursuant to Para 12 of				

the Austrian Tobacco Act (in facilities for teaching and training, negotiating and schools sports activities) smoking is generally forbidden in all rooms of public places pursuant to Para 13 of the Austrian Tobacco Act.:

“Publicly accessible rooms” are understood as rooms accessible to the general public, for example also all rooms of facilities of public and private bus, rail, air and shipping transportation and additionally facilities such as business premises, office premises or similar with customer traffic during specified working hours and/or times where customers are normally received, such as shopping centres and many others.

Exemption: Rooms of public places are allowed to have enclosed smoking rooms if a sufficient number of rooms exist and it is guaranteed that no smoke escapes from the sealed rooms as well as that signs identify these rooms as smoking rooms.

The possibility of providing a sealed smoking room is expressly prohibited for educational or other facilities where children and adolescents are supervised, accommodated or sheltered.

2. Hospitality industry

Currently there is a specially voluntary agreement between the Austrian Federal Ministry of Health, Family and Youth and the hostelry trades in place thus the hospitality industry are presently not legally obliged to be smoke free or to have smoke free zones (Para. 13 (4) Tobacco Act) but Austria is preparing an amendment to the Tobacco Act to include the hospitality sector in regard of non smoker protection.

3. Employment law regulations

- Artikel 30 Law on Health and Safety at Work Act (ArbeitnehmerInnenschutzgesetz – ASchG, BGBl. Nr. 450/1994 i.d.g.F.)
- Artikel 30 OSH Regulations for public servants (Bundes-Bedienstetenschutzgesetz – B-BSG, BGBl. Nr. 70/1999 i.d.g.F.)

Details:

- To the extent permitted by the type of operation, non-smokers must be protected against the effects of tobacco smoke.
- Smoking is banned if smokers and non-smokers have to work in the same office-rooms or similar work rooms (e.g. bays reserved to foremen).
- Smoking is banned in sanitary and changing rooms.
- In common- and standby-rooms non-smokers must be protected by technical or organized measures against the effects of tobacco smoke.

Regulation of tobacco product disclosures

10 <input type="checkbox"/> Help	Requiring manufacturers and/or importers of tobacco products to disclose to governmental authorities information about contents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Illicit trade in tobacco products			
15.2(a)	Requiring marking of packaging to assist in determining the origin of the product?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	and to assist in determining whether the product is legally for sale on the domestic market?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.3 <input type="checkbox"/> Help	Requiring that marking is in legible form and/or appear in its principal language or languages?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.4(b)	Enacting or strengthening legislation against illicit trade in tobacco products? As far as the commitment to adopt and implement legislation against illicit trade in tobacco products according to Article 15 paragraph 4 subparagraph b of the WHO Framework Convention on Tobacco Control (WHO – FCTC) is concerned, Austria refers to the fact that under Austrian law smuggling of cigarettes and other tobacco products constitutes the offence of smuggling or evasion of import duties (<i>Hinterziehung von Eingangsabgaben</i>) under Section 33 paragraph 1 subparagraph a and paragraph 2 Austrian Fiscal Penalties Act (<i>FinStrG</i>) since in these cases goods subject to import duty are knowingly and illegally brought into the customs territory of Austria and/or are not subjected to customs monitoring requirements and/or the offender illegally obtains a reduction of import duties by intentional violation of a customs regulation concerning the obligation to declare, the obligation to disclose and the duty of truth. Import duties are customs and all other taxes like the turnover tax on imports and excise taxes (<i>Verbrauchssteuern</i>) which are collected on goods imported. The fiscal offence of smuggling and evasion of import duties is punishable under Section 35 paragraph 4 <i>FinStrG</i> with a fine of up to the twice amount of	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<p>the tax being payable on the goods imported or with a fine of up to the twice amount of the aforesaid reduction illegally gained by the evasion of import duties. In addition to the fine, a term imprisonment of up to two years may be imposed under Section 15 <i>FinStrG</i>.</p> <p>In addition to the fiscal offence under Section 35 <i>FinStrG</i>, the financial offence of intentional violation of state monopoly on tobacco regulations under Section 44 paragraph 1 subparagraph a and b <i>FinStrG</i> also applies, since such smuggling offences usually also include the violation of regulations concerning trade in items which are subject to the state monopoly on tobacco, or items being subject to the state monopoly on tobacco are imported in violation of the forementioned monopoly regulation.</p> <p>The financial offence under Section 44 <i>FinStrG</i> is punishable with a fine of up to the amount of the so called basis of assessment (<i>Bemessungsgrundlage</i>) which is equivalent to the price attainable for the tobacco product on the regular domestic market or to the retail price fixed for such items being subject to monopoly regulations (Section 44 paragraph 2 subparagraph c <i>FinStrG</i>).</p> <p>The financial offence of smuggling and evasion of import duties under Section 35 <i>FinStrG</i> is, however, judicially punishable in accordance with Section 53 <i>FinStrG</i> only if the value of goods for which the sanction is imposed exceeds 37,500 euros (Section 53 paragraph 2 subparagraph a <i>FinStrG</i>), while the financial offence of intentional violation of state monopoly on tobacco provisions under Section 44 <i>FinStrG</i> is judicially punishable only if the forementioned value exceeds 75,000 euros (Section 53 paragraph 1 subparagraph b <i>FinStrG</i>).</p> <p>Due to the possibility of punishment of financial offences by administrative authorities (Section 53 paragraph 6 <i>FinStrG</i>) consultation also with the Federal Ministry of Finance is suggested.</p> <p>Counterfeiting of tobacco products, also covered by Article 15 paragraph 4 subparagraph b FCTC, is liable to administrative prosecution under Section 14 paragraph 1 subparagraph 1 Tobacco Act (<i>Tabakgesetz</i>) since it usually constitutes a violation of requirements to mark tobacco products in order to identify their indicated manufacturer and determine their origin, and, in addition, also the placing of counterfeit tobacco products on the market is prohibited under Section 2 paragraph 1 <i>Tabakgesetz</i> – however, only provided that the forementioned counterfeiting does not already constitute the offence of a trade mark violation for which private criminal proceedings must be launched (<i>Privatanklagedelikt</i>) under Section 60 paragraph 1 Trade Mark Protection Act (<i>Markenschutzgesetz</i>), which is punishable with a fine of up to 306 daily rates or, in the case of a commission on a professional basis, term imprisonment of up to 3 years.</p>		
15.4(e)	<p>Enabling the confiscation of proceeds derived from the illicit trade?</p> <p>As far as measures enabling the confiscation of proceeds derived from the illicit trade in tobacco products for the purposes of Article 15 paragraph 4 subparagraph e FCTC are concerned, for financial offences under Section 35 <i>FinStrG</i> and Section 44 <i>FinStrG</i> the Austrian law provisions provide for a forfeiture of the tobacco products which have been the subject of the financial offence committed (Section 17 paragraph 2 subparagraph a <i>FinStrG</i>). Under Section 44 paragraph 4 <i>FinStrG</i> this forfeiture is also applicable to raw materials, auxiliary materials, semi finished products, machines and devices used for the production of items which are subject to the state monopoly provisions on tobacco (Section 17 paragraph 4 <i>FinStrG</i>).</p> <p>As a compensation for a not or not fully realizable forfeiture, Section 19 <i>FinStrG</i> provides for the imposition of a financial compensation payment (<i>Wertersatz</i>), which, according to Section 19 paragraph 3 <i>FinStrG</i>, is assessed on the basis of the common value of the items being subject to forfeiture at the time of the commission of the financial offense. The collateral punishment of forfeiture under Section 17 <i>FinStrG</i> and the collateral punishment of compensation instead of forfeiture under Section 19 <i>FinStrG</i> guarantees, that in case of financial offences committed under Section 38 <i>FinStrG</i> and Section 44 <i>FinStrG</i> the offenders are prevented from generating proceeds from illicit trade in tobacco.</p> <p>The procedural means to secure the forfeiture and compensation under the currently applicable code of criminal procedure is the confiscation of items being threatened with forfeiture or the imposition of an injunction under Section 207a <i>FinStrG</i>. With the Code of Criminal Procedure Reform Act (<i>Strafprozessreformgesetz</i>) (Federal Law Gazette I 19/2004) coming into force on 01.01.2008, in these cases also a seizure under Section 109 subparagraph 1 and Section 110 paragraphs 1 subparagraph 3 Code of Criminal Procedure (<i>StPO</i>) as well as a judicial confiscation under Section 109 subparagraph 2 and</p>	☒	☐

	Section 115 paragraph 1 subparagraph 3 Code of Criminal Procedure will become applicable.		
15.7	Licensing or other actions to control or regulate production and distribution?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sales to and by minors			
16.1 <input type="checkbox"/> Help	Prohibiting the sales of tobacco products to minors?	x Specify legal age: 16	<input type="checkbox"/>
16.2	Prohibiting or promoting the prohibition of the distribution of free tobacco products to the public and especially minors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.3	Prohibiting the sale of cigarettes individually or in small packets?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.6	Providing for penalties against sellers and distributors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.7	Prohibiting the sales of tobacco products by minors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Liability			
19.1 <input type="checkbox"/> Help	Dealing with criminal and civil liability, including compensation where appropriate? As far as criminal liability is concerned, there are currently no law regulations criminalising infringements of non-smoker protection provisions or other violations in connection with the consumption of tobacco and tobacco products. In the opinion of Austria violations of smoking ban provisions or other regulations targeted at the reduction of tobacco consumption should also in future not be punished with judicial criminal law sanctions. Also in the field of civil law and in particular the law on damages no specific regulations have been adopted and implemented since the coming into force of the Framework Convention on Tobacco Control (Federal Law Gazette III 219/2005). Adoption of such regulations is currently not under consideration.	<input type="checkbox"/>	x

ii. **Optional questions** [Help](#)

It should be noted that responses to these questions are not required at the time of Group 1 reports, but may be answered at this time if applicable.

Article	Have you adopted and implemented legislative, executive, administrative and/or other measures on:	Yes (please attach a brief summary and relevant documentation) ³⁰	No
Regulation of the contents of tobacco products			
9	Testing and measuring the contents of tobacco products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Help	Testing and measuring the emissions of tobacco products?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Regulating the contents of tobacco products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

³⁰ Please provide these documents in one of the six official languages, if available, and please specify sections of your legislation related to each “yes” response.

	Regulating the emissions of tobacco products?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Packaging and labelling of tobacco products			
11.1(a) <input type="checkbox"/> Help	Requiring that packaging and labelling do not promote a product by any means that are false, misleading, deceptive or likely to create an erroneous impression?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.1(b)	Requiring that packaging and labelling also carry health warnings describing the harmful effects of tobacco use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.1(b)(i)	Ensuring that the health warnings are approved by the competent national authority?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.1(b)(ii)	Ensuring that the health warnings are rotating?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.1(b)(iii)	Ensuring that the health warnings are large, clear, visible and legible?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.1(b)(iv)	Ensuring that the health warnings occupy no less than 30% of the principal display areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Ensuring that the health warnings occupy 50% or more of the principal display areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.1(b)(v)	Ensuring that the health warnings are in the form of, or include, pictures or pictograms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.2	Requiring that packaging and labelling contains information on relevant constituents and emissions of tobacco products?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.3	Requiring that the warnings and other textual information appear on each unit package, and on any outside packaging and labelling in your principal language or languages?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tobacco advertising, promotion and sponsorship <input type="checkbox"/> Help			
13.2	Instituting a comprehensive ban of all tobacco advertising, promotion and sponsorship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	including on cross-border advertising, promotion and sponsorship originating from its territory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.3	Applying restrictions, in the absence of a comprehensive ban, on all tobacco advertising, promotion and sponsorship?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Restricting or instituting a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.4(a)	Prohibiting all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.4(b)	Requiring that health or other appropriate warnings or messages accompany all tobacco advertising and promotion and sponsorship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.4(c)	Restricting the use of direct or indirect incentives that encourage the purchase of tobacco products by the public?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.4(d)	Requiring the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

13.4(e)	Restricting tobacco advertising, promotion and sponsorship on radio, television, print media and other media, such as the Internet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.4(f)	Prohibiting or restricting tobacco sponsorship of international events, activities and/or participants therein?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have any additional legislation or other measures not covered in Question 5, you may provide additional details here: [Help](#)

6. Programmes and plans [Help](#)

i. Core questions [Help](#)

It should be noted that the measures identified below are not exhaustive, but reflect the spirit and intent of the Convention.

	Yes (please attach the relevant documentation) ³¹	No
Have you developed and implemented comprehensive multisectoral national tobacco control strategies, plans and programmes? (Article 5.1) - The FCTC measures will be implemented in consideration of respective EU-regulations; moreover there are different programmes –especially smoking cessation programmes (in – and outpatient programmes, quit line etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If no, have some partial strategies, plans and programmes been developed and implemented? (Article 5.1)	<input type="checkbox"/>	<input type="checkbox"/>

If you responded yes to either of the first two questions, which of the following do these strategies, plans and programmes cover? Please check, and provide a brief summary. (Please provide the summary in one of the six official languages.)

³¹ Please provide these documents in one of the six official languages, if possible.

General obligations <input type="checkbox"/> Help		
5.2(a)	<p>A national coordinating mechanism or focal point(s) for tobacco control?</p> <p>A national tobacco strategy is under construction and will also cover a national coordination mechanism.</p> <p>Relevant stakeholders (governmental and non-governmental institutions) are generally involved on measures especially regarding legal implementations.</p> <p>The Federal Ministry of Health, Family and Youth is in continual cooperation with appropriate experts and NGOs in respect of tobacco control.</p>	<input checked="" type="checkbox"/>
5.3	<p>Protection of policies from the commercial and other vested interests of the tobacco industry?</p> <p>A code of conduct based on the results of the relevant COP 2 guidelines is envisaged.</p>	<input checked="" type="checkbox"/>
Education, communication, training and public awareness <input type="checkbox"/> Help		
12(a)	<p>Broad access to effective and comprehensive educational and public awareness programmes on the health risks?</p> <ul style="list-style-type: none"> - national media campaigns - different stop smoking services and websites of governments and NGOs offering information, education, counseling, help and support - regulation on health warning notices on tobacco products. 	<input checked="" type="checkbox"/>
	... targeted at adults and/or the general public?	<input checked="" type="checkbox"/>
	<p>... targeted at children and youth?</p> <p>yes through websites, brochures, and special documents (Gesundheitspass, Mutter-Kindpass) targeted on young people.</p>	<input checked="" type="checkbox"/>
12(b)	Public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles?	<input checked="" type="checkbox"/>
12(c)	Public access to a wide range of information on the tobacco industry?	<input type="checkbox"/>
12(e)	<p>Awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control?</p> <p>Yes, various programmes are developed and offered from the prevention site especially from</p> <ul style="list-style-type: none"> - provincial addiction prevention units - Austrian Federal Ministry for Education, the Arts and Culture <p>and in the area of therapy (smoking cessation) particularly from</p> <ul style="list-style-type: none"> - the Institute for Social Medicine - the Institute for Environmental Health - the Austrian Medical Association - the Austrian Pneumology Association - social Insurance institutions - and the Austrian Council on Smoking and Health 	<input checked="" type="checkbox"/>

Demand reduction measures concerning tobacco dependence and cessation <input type="checkbox"/> Help		
14.1	Comprehensive and integrated guidelines based on scientific evidence and best practices to promote cessation of tobacco use and adequate treatment for tobacco dependence? Yes, the Institute for Social Medicine, Association for Lung Diseases and the Association for General Medicine als well as other various NGO`s provide guidance.	<input checked="" type="checkbox"/>
14.2(d)	Facilitation of accessibility and affordability for treatment of tobacco dependence including pharmaceutical products? Several health insurance companies provide therapy offers and cover the costs for the medical service as well. - Stop smoking services are available across Austria as well as - in – and outpatient smoking cessation programmes - the national quit line - nicotine replacement therapies and - medicine based therapies (Zyban, Chanpix).	<input checked="" type="checkbox"/>
Provision of support for economically viable alternative activities <input type="checkbox"/> Help		
17	Promotion of economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers? There are no longer growers in Austria; one manufactory in Linz has been closed so far; social plans are supposedly in force. Individual sellers complain about importing tobacco products from low- price countries and require support.	<input checked="" type="checkbox"/>
Research, surveillance and exchange of information <input type="checkbox"/> Help		
20.1(a)	Research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops? no	<input type="checkbox"/>
20.4(b)	Updated data from national surveillance programmes? General Population Survy every 4 years, involvement in the ESPAD Studies (European School survy projects on alcohol and ohter drugs) and HBSC-Reports (Health in Behaviour in schoolagend children).	<input checked="" type="checkbox"/>

ii. **Optional questions** [Help](#)

Education, communication, training and public awareness <input type="checkbox"/> Help		
12(d)	Appropriate training or awareness programmes on tobacco control addressed to persons such as health, community and social workers, media professionals, educators, decision-makers, administrators and other concerned persons?	<input type="checkbox"/>
12(f)	Public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption?	<input checked="" type="checkbox"/>

Demand reduction measures concerning tobacco dependence and cessation <input type="checkbox"/> Help		
14.2(a)	Design and implementation of programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments? Various initiatives (for ex. through the Institute for Social Medicine)	<input checked="" type="checkbox"/>
14.2(b)	Diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers?	<input checked="" type="checkbox"/>
14.2(c)	Establishment in health care facilities and rehabilitation centres of programmes for diagnosing, counselling, preventing and treating tobacco dependence?	<input checked="" type="checkbox"/>
Protection of the environment and the health of persons <input type="checkbox"/> Help		
18	Due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within its territory?	<input type="checkbox"/>
Research, surveillance and exchange of information <input type="checkbox"/> Help		
20.1(b)	Training and support for all those engaged in tobacco control activities, including research, implementation and evaluation? There are support measures through various activities from the Institute for Social Medicine, Association for Lung Diseases and the Association for General Medicine and pharmaceutical companies	<input checked="" type="checkbox"/>
20.2	Programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke? There are different programmes in place also through involvement in European Union and WHO activities.	<input checked="" type="checkbox"/>
20.3(a)	A national system for epidemiological surveillance of tobacco consumption and related social, economic and health indicators? For example Statistik Austria	<input checked="" type="checkbox"/>
20.4	The exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco? An information exchange is provided continuously in the scientific and political community and different international networks	<input checked="" type="checkbox"/>
20.4(a)	An updated database of laws and regulations on tobacco control, and information about their enforcement, as well as pertinent jurisprudence?	<input type="checkbox"/>

7. Technical and financial assistance [Help](#)

The goal of this section is to assist the Secretariat in facilitating the coordination of available skills and resources with identified needs.

Pursuant to **Article 21.1(c)**, have you either provided or received financial or technical assistance (be it through unilateral, bilateral, regional, subregional or other multilateral channels, including relevant regional and international intergovernmental organizations and financial and development institutions) for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition in any of the following areas:

	Assistance provided (please give details below)	Assistance received (please give details below)
Development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control? (Article 22.1(a))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes? (Article 22.1(b))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12? (Article 22.1(c))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Provision of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes? (Article 22.1(d))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Identification of methods for tobacco control, including comprehensive treatment of nicotine addiction? (Article 22.1(e))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Promotion of research to increase the affordability of comprehensive treatment of nicotine addiction? (Article 22.1(f))	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No
Other. Specify:		
<p>Additional details:</p> <p>If you answered no to any of the above, please identify any financial or technical assistance that may be under consideration.</p> <p>If you answered yes to any of the above, please identify the country or countries from/to which assistance was received/provided.</p>		

Pursuant to **Article 21.3**, have you either provided or received financial or technical assistance to support developing country Parties and Parties with economies in transition in meeting reporting obligations?

Assistance provided Help	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No (please give details below)	Assistance received	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No (please give details below)
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Additional details:

If you answered no to any of the above, please identify any financial or technical assistance that may be under consideration.

If you answered yes to any of the above, please identify the country or countries from/to which assistance was received/provided.

Have you identified any specific gaps between the resources available and the needs assessed, for the financial and technical assistance provided or received? [Help](#)

Yes (please give details below)

No

Additional details:

8. Priorities for implementation of the WHO Framework Convention on Tobacco Control [Help](#)

What are the priority areas for implementation of the WHO Framework Convention on Tobacco Control in your jurisdiction? (Ref. **Article 21.1(b)**)

The development of protocols and guidelines under the FCTC CoP especially combatting the illicit trade in tobacco products as well as on the national level to further develop non-smoker protection.

What, if any, are the constraints or barriers you have encountered in implementing the Convention? (ref. **Article 21.1(b)**)

9. Additional comments [Help](#)

Please provide any relevant information not covered elsewhere that you feel is important.

10. Questionnaire feedback

- (a) Please provide feedback for improvement of the Group 1 questionnaire. [Help](#)

- (b) Please provide input for the future development of the Group 2 questionnaire.
 [Help](#)