

This Law is downloaded from MIPA's web site: [www.mipa.cg.yu](http://www.mipa.cg.yu)

***REPUBLIC OF MONTENEGRO  
LAW ON LIMITING USE OF TOBACCO  
PRODUCTS***

## I GENERAL PROVISIONS

### Article 1

This Law, in the aim to protect life and health, regulates measures for reducing and limiting use of tobacco products and preventing harmful consequences due to use of tobacco products.

### Article 2

Carrying out this Law and strategy for health development, the Republic of the Government of Montenegro (henceforth: Republic):

urges reducing use of tobacco products by measures of tax policy;

passes programs limiting the use of tobacco products and preventing harmful consequences from the use of tobacco products;

determines measures to eradicate harmful effects from use of tobacco products which encompass: monitoring use of tobacco products and the harmful effects they cause to health; informing the public and educating individual groups of the population about harmful effects of use of tobacco products; cooperation with institutions, non-governmental organizations and individuals to carry out programs to reduce use of tobacco products; organizing publishing of appropriate publications, whose intention is to promote quit smoking and nonsmoking as a healthy way of life; activities to join quit smoking and use of tobacco products programs and preparation of reports with regard to frequency of smoking habits and the results of lasting preventative actions;

cooperates with international bodies that monitor the problems with regard to reduction of smoking;

takes other measures, in order to achieve social welfare to protect health from harmful effects of use of tobacco products.

Tasks referred to in Paragraph 1 Item 1) and 2) of this Law are carried out by the Government of the Republic of Montenegro (henceforth: Government), and tasks referred to in Paragraph 1 Item 3) 4) and 5) of this Law shall be carried out by the ministry in charge of health matters (henceforth: Ministry).

The Institute for Public Health (henceforth: Institute) prepares, proposes and carries out measures, programs and activities from Paragraph 1 Items 2) to 5) of this Article.

### Article 3

A ban on limitation of tobacco products, in the sense of this Law, refers to the particular harmful effects of cigarette substances, harmful effects of tobacco products, minors, smoking in public places and work spaces, sale and advertising of tobacco products.

Particularly harmful substances of cigarettes are tar, nicotine and carbon monoxide.

### Article 4

A public area is a space intended for communal use, and it includes the areas in facilities in which:

perform: educational activities, health activities, production, control and circulation of medicines and medicinal devices; provision of accommodation, lodging for children, pupils

and students; receiving, accommodating and care of persons who require social welfare and elderly persons; cultural, entertainment, sports and other events, performances and competitions, meetings and other gatherings;

perform: commercial services and production, warehousing and trade in food products.

Public spaces, in the context of Paragraph 1 of this Article are considered as:

means of public transport such as air and road travel;

discos, patisseries, bistros, pizza places, and fast food outlets;

hospitality locations in which food is served;

means of public transport such as railway travel and internal sailing; airport buildings and establishments for the accommodation of persons serving criminal charges;

halls and other communal areas of buildings; lifts, cable railway and public toilets.

#### **Article 5**

In the context of this Law, working space is considered to be every closed area in which an employer provides services or task, that is, where employees carry out their jobs and work assignments.

#### **Article 6**

Terms used in this Law, have the following meaning:

tobacco products encompass products composed entirely or partially of tobacco, which may be genetically modified, and are intended for smoking, sniffing, sucking or chewing (cut tobacco, cigarettes, cigars, cigarillos, pipe tobacco, chewing tobacco, snuff and other tobacco manufactured products);

tobacco tar is dry, undiluted non nicotine condensate of smoke which arises from smoking;

nicotine is a poisonous nicotine alkaloid;

carbon monoxide is an extremely toxic gas which is an integral part of cigarette smoke;

advertising tobacco products means all forms of direct and indirect commercial information with regard to tobacco products, including displaying logos and other characteristics designating tobacco products on items that according to this Law are not tobacco products, as well as free samples of tobacco products for promotional purposes;

tobacco for oral use represents every tobacco product used orally, except for smoking tobacco and chewing tobacco which is partially or entirely comprised of powdered tobacco or pieces or any other combination of powder or pieces, which may be packed in bags or other packaging or are similar to food products;

packaging is a box or cover in which tobacco products are sold, not including see-through cover.

## **II CONTROL OF HARMFUL CIGARETTE SUBSTANCES AND COMPULSORY LABELLING ON TOBACCO PRODUCTS**

#### **Article 7**

Manufacture and trade of cigarettes that contain more than 10 mg tar, 1 mg nicotine and 10 mg of carbon monoxide per cigarette is prohibited.

The prohibition of manufacturing cigarettes referred to in Paragraph 1 of this Article does not refer to manufacturing cigarettes intended for export to countries in which this ban does not apply.

Content of tar, nicotine and carbon monoxide in cigarettes is confirmed based on regulated standards:

ISO 4387 for tar;

ISO 10315 for nicotine;

ISO 8454 for carbon monoxide.

### **Article 8**

It is prohibited to trade cigarettes that are not labeled with information regarding the amount of tar, nicotine and carbon monoxide contents.

Information referred to in Paragraph 1 of this Article, must be printed on the side of the packaging and cover at least 10% of the side it is printed on.

Correctness of the information referred to in Paragraph 1 of this Article, concerning tar and nicotine, is determined according to method ISO 8243.

### **Article 9**

It is prohibited to trade tobacco products, except for snuff and chewing tobacco, which do not have one of the following warnings printed, such as:

on the front

“Smoking kills”

“Smoking harms you and people around you”

on the rear

“Smokers die younger”

“Smoking causes heart disease and heart attacks”

“Smoking causes lung cancer”

“Smoking during pregnancy harms your baby”

“Protect children, don't let them breathe your smoke”

“Your doctor can help you give up smoking”

“Smoking is addictive”

“Quitting smoking reduces the risk of serious diseases”

“Smoking may cause slow and painful death”

“Ask for help to give up smoking”

“Smoking may reduce blood circulation and cause impotence”

“Smoking causes aging of skin”

“Smoking may reduce fertility”

“Cigarette smoke contains gasoline, nitrosamin, formaldehin and hydrogen cyanide”

The warnings referred to in Paragraph 1 Item 1 of this Article, must cover at least 30%, and the warning referred to in Paragraph 1, Item 2 of this Article, at least 40% of the space on which it is printed.

The warnings referred to in Paragraph 1 of this Article, must be altered one after the other, so that every warning appears on an equal quantity of manufactured, that is sold tobacco products, during the year.

#### **Article 10**

It is prohibited to sell snuff and chewing tobacco, which does not have a warning on the best visible surface of the packaging: "This product may harm your health and cause addiction"

The warning referred to in Paragraph 1 of this Article, must cover at least 30% of the surface on the side it is printed on.

#### **Article 11**

Packaging of tobacco products, except cigarettes, snuff and chewing tobacco, whose best visible surface exceeds 75cm<sup>2</sup> must contain the warning referred to in Article 9, Paragraph 1 of this Law, which cover at least 22,5 cm<sup>2</sup> of the front and 22,5 cm<sup>2</sup> of the rear side of the packaging.

#### **Article 12**

The information referred to in Article 8, Paragraph 1 of this Law and warnings from Article 9, Paragraph 1 and Article 10, Paragraph 1 of this Law, must be printed:

in the official language of the Republic;

in bold, lower case letters (apart from the first letter), black letters on white background, in Helvetica font, in the size that takes up the most possible surface estimated for warnings and information;

On the area of packaging that is not anticipated for opening or discarding during packaging;

In a manner so that it is not possible to discard or destroy them, nor hide by darkening or covering with other writing or symbols.

Information referred to in Article 8, Paragraph 1 of this Law and warnings from Article 9, Paragraph 1 of this Law, must contain a border, whose width may be no less than 3mm, nor more than 4mm.

Information referred to in Article 8, Paragraph 1 of this Law and warnings from Article 9, Paragraph 1 and Article 10, Paragraph 1 of this Law, may not be on the brand of tobacco product that is stuck on the packaging.

Warnings referred to in Article 9, Paragraph 1 and Article 10, Paragraph 1 of this Law, may be printed on stickers, under the condition that the sticker cannot be removed.

The provision of Paragraph 4 of this Article, does not concern cigarette packaging.

#### **Article 13**

It is prohibited to print labels on tobacco products that smoking that particular type or class is less harmful than any other, that the filter or other substances of the tobacco product make it less harmful than products, which do not contain similar substances.

#### **Article 14**

For cigarettes that are available in the Republic the manufacturer, that is, importer of cigarettes must carry out measuring substances referred to in Article 7 of this Law, at least once per year.

Measuring substances referred to in Article 7 of this Law may be carried out upon request by the authorized inspector.

The Institute carries out measuring referred to in Paragraph 1 and 2 of this Article.

Expenses for measuring referred to in Paragraph 1 of this Article, as well as expenses for measuring referred to in Paragraph 2 of this Article, if as an outcome of measuring it is proven that cigarettes contain substances referred to in Article 7 of this Law in quantities higher than permitted, are covered by the manufacturer, that is, the importer.

#### **Article 15**

Manufacturers or importers of tobacco products are obligated to deliver to the Institute once per year the following documents:

- the list of harmful substances and quantities that were used to manufacture tobacco products, according to mark and type;
- a statement with regard to the reasons for including harmful substances thus citing facts with regard to the effects of these substances;
- toxicology data that the manufacturer or importer of tobacco products holds, which concern substances of the tobacco product in burnt and non burnt form, its influence on health, especially how it effects addiction.

#### **Article 16**

At least once per year the Institute informs the Ministry and public about: results of the measures carried out on cigarettes that are manufactured and sold in the Republic;

determined results of measures that are above the limit referred to in Article 7 of this Law;

The contents of harmful substances of tobacco products with toxicological details referred to in Article 15 of this Law, while obeying protection of information with regard to specific formulas that represent a business secret;

Other information with regard to tobacco products that is significant for the protection of health.

Data concerning specific formulas referred to in Paragraph 1, Item 3 of this Article do not concern data with regard to tar, nicotine and carbon monoxide content.

The Ministry shall confirm the methods and terms for informing the public referred to in Paragraph 1 of this Article.

### **III MEASURES TO DECREASE AND LIMIT USE OF TOBACCO PRODUCTS**

#### **Article 17**

It is prohibited to sell tobacco products to persons less than 18 years of age.

Persons referred to in Paragraph 1 of this Article, are prohibited to sell tobacco products.

Persons referred to in Paragraph 1 of this Article, are not permitted to use tobacco products in public areas.

### **Article 18**

A sign must be displayed in locations where the retail sale of tobacco products is carried out concerning prohibition of sale of tobacco products to persons less than 18 years of age.

The sign referred to in Paragraph 1 of this Article, must be displayed in a visible area.

The Ministry determines the compliance form with regard to the sign referred to in Paragraph 1 of this Article.

### **Article 19**

The sale of tobacco products is prohibited in:  
educational establishments, health institutes and in the vicinity of less than 300 meters of these establishments,  
pharmacies and specialized shops for medicinal products;  
sports-recreational facilities;  
vending machines  
directly or indirectly as specials to buyers or any third party, such as gifts, awards, reduced trade discount or the right to participate in prize games, lotteries or competitions;  
that contain marks, wording or phrases that refer to the brand being less harmful than others (e.g. "low tar", "light", "mild", "ultra mild", "ultra light", that is "low tar" and other similar marks);  
in a manner that allows self-service to consumers.

It is prohibited to sell tobacco for oral use.

### **Article 20**

It is prohibited to sell:

sweets, toys and other products intended for children that are in the form of any type of tobacco product;

non tobacco product, but has the name of a manufacturer of tobacco product or name of any other type of tobacco product, or signs that differentiate, logotype and similar marks, that refer to a tobacco product.

### **Article 21**

It is prohibited to advertise tobacco products: in media; via cinema slides, films, billboards, notice boards, stickers, and other forms of advertising in public areas, in facilities and public transport; via neon adds, through books, magazines, calendars, items of clothing and stickers, posters and flyers, if these stickers, posters and flyers are separated from the original packaging of tobacco products.

Products, which according to this Law are not tobacco products, but their appearance, name and intended use indirectly encourage the consumption of tobacco products, are not allowed to be advertised.

It is prohibited to give free tobacco products and every direct and indirect promoting is prohibited.

#### **Article 22**

In the sense of Article 21 of this Law, announcements are not considered as advertising:

- 1) manufacturer and importer of tobacco products by way of media: about medals received and other public recognition for the quality of particular products, as well as working, manufacturing and other achievements accomplished in the manufacture of tobacco products, but without individual naming the products;
- 2) manufacturer and importer of tobacco products with regard to the quality and other characteristics of their products during specialized fairs and exhibitions in the context of trade fairs or exhibition space, during new products' sampling, which are organized in closed areas, during the celebrations they organize and for the duration of consumers' visits;
- 3) announcements about quality and other characteristics of the tobacco product published in expert books, magazines and other expert publications, which are only intended for manufacturers and traders of those products;
- 4) announcements about other characteristics of tobacco products that may be obtained by consumers in facilities in which tobacco products are sold, in accordance with the Law.

#### **Article 23**

It is prohibited to smoke tobacco products during public media appearances.

It is prohibited to publish in print photographs or illustrations of persons smoking.

#### **Article 24**

It is prohibited to smoke in a public area referred to in Article 4, Paragraph 1, Point 1 and Paragraph 2, Point 1, 2 and 5 of this Law.

An exception to Paragraph 1 of this Article is a health establishment in which mentally ill persons are accommodated that may determine a space allocated for smokers.

#### **Article 25**

In public areas according to Article 4, Paragraph 1, Item 2) and Paragraph 2, Item 4) of this Law, smoking is permitted only in areas allocated to smokers, which are specially marked and separated from areas intended for non smokers.

An area allocated for smokers cannot be larger than 50% of the entire public space referred to in Paragraph 1 of this Article.

An area referred to in Paragraph 2 of this Article, must be equipped with ventilation equipment, ashtrays and prescribed fire prevention equipment.

#### **Article 26**

In public areas referred to Article 4, Paragraph 2, Point 3 of this Law, in which smoking is permitted, the owner or beneficiary has to allocate a separate space for smokers.

In public areas referred to in Paragraph 1 of this Article, the owner, that is, beneficiary of the area determines the size of the area for smokers.

For determination of the size of an area referred to in Paragraph 1 of this Article, the limitation referred to Article 25, Paragraph 2 of this Law does not apply.

The area allocated for smokers referred to in Paragraph 1 of this Article, must be designated and separated from the area for non-smokers so that ventilation or a room divider prevents the air from mixing.

**Article 27**

The owner or beneficiary of the area referred to in Article 4, Paragraph 2, Point 3 of this Law, as well as the employee and owner and beneficiary of another hospitality facility, may completely prohibit smoking in the entire public or working area.

In the case referred to in Paragraph 1 of this Article, a sign at the entry of this facility must indicate prohibition.

**Article 28**

In public areas in which smoking is not permitted in accordance with this Law, the owner, that is, beneficiary of the area must in a visible manner display smoking is prohibited signs.

**Article 29**

It is permitted to smoke in working areas only in spaces allocated by the employer, which are physically separated from the remaining working area.

**Article 30**

Educational establishments are obligated to inform children and youth, through suitable educational programs, about the harmful health effects of tobacco products.

The ministry responsible for education in cooperation with the Ministry establishes the education program referred to in Paragraph 1 of this Article.

Supervision of carrying out the program referred to in Paragraph 2 of this Article is carried out in accordance with the Law.

#### **IV INSPECTION SUPERVISION**

**Article 31**

Supervision of carrying out this Law is performed by governmental administration, authorized in the domain where limitation measures of use of tobacco products apply, through inspection supervision, in accordance with the law.

Inspection supervision duties referred to in Paragraph 1 of this Article are carried out by:

Republic Sanitary Inspection, with regard to contents of tar, nicotine and carbon monoxide and prohibition of smoking in public and working places, with the exception of item 4 of this Paragraph;

Republic Health Inspector with regard to prohibition of advertising tobacco products, prohibition of smoking tobacco products during media appearances and prohibition of printing photographs or illustrations of persons smoking and the obligation to display signs with regard to prohibition of smoking in public areas.

Republic Market Inspector with regard to the obligation of displaying information about the contents of tar, nicotine and carbon monoxide on packaging of tobacco products, as well as prescribed warnings about the harmful effects of smoking;

Republic Tourist Inspectors with regard to prohibition of smoking in discotheques, patisseries, bistros, pizza places, fast food facilities and hospitality facilities in which food is served.

## V PUNITIVE PROVISIONS

### Article 32

A pecuniary fine of twenty times to three hundred times the amount of the lowest wage in the Republic, shall be imposed for a violation by a legal entity and entrepreneur that:

- manufactures or trades cigarettes contrary to Article 7, Paragraph 1 of this Law;
- manufactures or trades cigarettes, that is, tobacco products which do not have details and warnings printed on packages in accordance with regulations of Articles 8, 9, 10, 11 and 12 of this Law;
- manufactures or trades in tobacco products which have signs printed on packaging referred to in Article 13 of this Law;
- sells tobacco products to persons under 18 years of age (Article 17, Paragraph 1);
- sells tobacco and other products contrary to regulations referred to in Article 19 and 20 of this Law;
- performs advertising of tobacco products contrary to regulations referred to in Article 21 of this Law;
- permits smoking tobacco products during public media appearances or publishes in print photographs or illustrations of persons smoking (Article 23);
- permits smoking tobacco products in public areas contrary to regulations referred to in Article 24 of this Law.

For violations referred to in Paragraph 1 of this Article a pecuniary fine shall be imposed on the responsible person in a legal entity to the amount of five times to twenty times the amount of the lowest wage in the Republic.

### Article 33

For violations referred to in Article 32, Paragraph 1, Points 1, 2 and 4 of this Law, in addition to a pecuniary fine a protection measure of confiscating tobacco products and other items may be imposed.

### Article 34

A pecuniary fine of ten times to one hundred times the lowest wage in the Republic, shall be imposed on a legal entity and entrepreneur for a violation if:

- 1) do not display a sign with regard to prohibition of sale of tobacco products to persons less than 18 years of age in accordance with regulations referred to in article 18 of this Law;
- 2) do not indicate the area of public space allocated to smokers in accordance with regulations referred to in Articles 25 and 26 of this Law;
- 3) permit smoking tobacco products contrary to regulations referred to in Articles 25, 26 and 29 of this Law;
- 4) do not display non-smoking signs in accordance with regulations referred to in Article 28 of this Law.

For violations referred to in Paragraph 1 of this Article a pecuniary fine will be imposed on the responsible person in the legal entity to the amount of one half to ten times the amount of the lowest wage in the Republic.

**Article 35**

A pecuniary fine shall be imposed to the amount of half the lowest wage in the Republic on a natural person who smokes in a public area contrary to regulations of Articles 24, 25, 26, 27 and 29 of this Law.

**VI TRANSITIONAL AND FINAL PROVISIONS**

**Article 36**

Regulations referred to in article 7 Paragraph 2 of this Law, shall not apply from 1<sup>st</sup> January 2007.

**Article 37**

Manufacturers and importers of tobacco products are obligated to display information and warnings in accordance with Articles 8, 9, 10, 11 and 12 of this Law, at latest six months from the day of this Law coming into force.

**Article 38**

The owner, that is, beneficiary of the public area and the employee, are obligated to provide and display the allocated area of a public area for smokers in accordance with regulations referred to in Articles 24, Paragraph 2, Articles 25, 26 and 29 of this Law, in the period of one year from the day this Law comes into force.

Persons referred to in Paragraph 1 of this Article, are obligated to display signs and indicators in accordance with regulations referred to in Article 27, Paragraph 3 and Article 28 of this Law, in the period of one year from the day this Law comes into force.

**Article 39**

The bylaw act for carrying out this Law shall be brought in the period of six months from the day this Law comes into force.

**Article 40**

This Law comes into force on the eighth day of its publication in the "Official Gazette of the Republic of Montenegro".

## **PREAMBLES OF THE LAW**

### Constitutional basis for bringing this Law

Constitutional basis for bringing this Law is contained in provisions of Article 12, and in relation with provisions of Articles 19, 57, Paragraph 1, and Articles 60, 61 and 65. The Constitution of the Republic of Montenegro, which prescribes: that everyone has the right to a healthy living environment and timely and complete notification of its condition and is responsible to safeguard and develop it; that everyone has the right to health protection; that mothers and children enjoy special protection; that it is prohibited to employ children and minors in positions harmful to their health and development; that the State protects the living environment, and the freedom to work and freedom of entrepreneurship is restricted by protection of the living environment.

### Reasons for bringing this Law and objectives it hopes to achieve

According to published figures there are around 3,5 million smokers in Montenegro and Serbia. It is a disastrous fact that according to figures for adult smokers we are fifth in the world and third in Europe, immediately after Greece and Turkey. Our female population is second place in this negative competition, seriously jeopardizing Swedish females who are first on the list.

According to latest scientific discoveries smoking is regarded as a very dangerous and harmful addictive disease, which causes harsh consequences to health not only to active smokers, but passive smokers also. In addition, smoking, directly or indirectly, causes harm to the entire society, as it causes huge costs for treatment of ill, reduces working ability, and in many other ways. Young people are most exposed to the consequences of smoking; therefore in many countries adequate regulations are brought which are actually being applied. It is expected that this Law shall in the course of time apply entirely, which will contribute to strengthening a legal state, and the improvement of society in whole, as only a healthy society can make further progress. The facts and position of the World Health Organization are indisputable with regard to the harmful effects of tobacco on the psychophysical health of people and the entire ecological system. For this reason, diseases caused by smoking have been included in the X revision of International classification of disease and injuries. Almost daily in specialized medical journals in the world the results of various research is printed which confirms that smoking is related to the emergence of the most dangerous diseases. Lung cancer and cardio-vascular system diseases are certainly the most frequent and most dangerous consequences of smoking.

In developed countries the trend of "expelling" smoking from closed areas in public places is more and more prevalent. Until recently this ban mostly applied to means of public transport, lifts, hospitals, schools, waiting rooms, closed sports halls and meeting halls. However, the numbers of jurisdiction in the world is increasing the number of areas in which smoking is not permitted (halls, or any other closed area for public use, transport terminals and other public buildings, hospitality facilities, queues, etc).

The Resolution on Limiting Smoking in the European Union, No: 96/26 EU Council has recommended to Member States to bring regulations that influence the increase of areas in

working premises and on prohibiting smoking in closed public spaces. Smoking in public areas is prohibited by regulations in all ex Yugoslav republics.

The objectives of this Law are:

To provide legislative response in relation to the increased problem of national health, a problem that is essential and of urgent significance;

To protect the health of Montenegrin citizens in light of convincing facts about the influence of use of tobacco and tobacco products on the emergence and frequency of numerous fatal diseases;

To protect young people and others from being induced to use tobacco products and addiction;

To make it more difficult to obtain tobacco products by limiting sale;

To raise public awareness with regard to the dangers to health through cooperation between state organs and civil society.

### **3 Explanation of general principles**

#### **General concept determination**

In preparation of the draft law comparative experience was used from all ex Yugoslav republics and developed countries (Finland, Italy, United Kingdom, France, Belgium, Ireland, Germany, Spain, USA, regulations of federal units of USA, Canada, regulations of the federal province of Canada, Australia, published models of law on smoking control). Also EU regulations were consulted, particularly: Directive on advertising and sponsoring tobacco products No: 98/43 and No: 2003/33/EU, Directive No:0244/1999, Resolution on limiting smoking in the EU No: 96/26, Directive No: 2001/37/EC European Parliament and European Council from 5th June 2001, with regard to harmonization of the law and other laws of Member States on manufacturing, advertising and sale of tobacco products, Warsaw Declaration on Europe Free from Tobacco from 17<sup>th</sup> February 2002, framework convention of the World Health Organization on the control of tobacco, adopted on 21<sup>st</sup> May 2003 at the 56<sup>th</sup> Assembly of the World Health Organization.

The draft law concept is based on modern solutions, as, formally-legally non smokers in the most part are protected against so called "passive" or "ambient" smoking, that is, staying in smoky closed public areas. Special consideration was given to the protection of children, young and the ill, but, also, every employed person was given the right to work and stay in a healthy living environment. According to this, the wish is to provide protection of the basic human right to clean air.

The draft law has determined the responsibility of sanitary, health, market, tourist and education inspectors, who carry out supervision of implementation of the regulations of this Law.

The draft law, in accordance with the Directive on advertising and sponsoring tobacco products, No: 98/43 prohibits all forms of advertising and free handing out of tobacco products or every direct or indirect promotion. In accordance with Directive No: 2001/37/EC, the draft law regulates the prohibition of sale of tobacco products, which contain more than 10mg tar, 1mg nicotine and 10mg carbon monoxide per cigarette. Also it regulated that cigarette packages must be printed with signs and warnings of their contents.

By the Resolution on limiting smoking in EU No: 96/26 the EU Council has recommended to Member States that through national legislation permit sale of tobacco products to adults only, limit access of tobacco products to youth, control cigarette automats and prohibit the distribution of cigarette advertising samples, strengthening measures which contribute to understanding the risks of smoking, and measures that protect youth and special interest groups from smoking, such as women during pregnancy. These principles have been developed in detail in the draft law, among others it is prohibited to sell tobacco products, which at least formally makes tobacco inaccessible to them, and not only in public places.

The EU Council's resolution for reducing smoking, Council of Fifteen Members has recommended to Member States that they should increase taxes on tobacco products and consider the possibility to raise the prices for these products to a high level. In accordance with this it is necessary to increase tax on tobacco products, and revenue collected on that basis to be put to use in activities of the Institute for Public Health in Montenegro.

### Concrete decisions

## **I GENERAL PROVISIONS (Articles 1 to 6)**

These regulations establish the objective and subject to put in order this Law, the role of the Republic in planning, bringing and putting into effect measures of limiting the use of tobacco products and preventing harmful consequences of the use of tobacco products, as well as the interpretation of particular expressions which are used in this Law.

## **II CONTROL OF HARMFUL SUBSTANCES OF CIGARETTES AND COMPULSORY SIGNS ON TOBACCO PRODUCTS (Articles 8 to 16)**

In article 7 of the draft law, in accordance with regulations of EU the sale and manufacture of cigarettes that contain more than 10mg tar, 1mg nicotine and 10mg carbon monoxide per cigarette is prohibited. Measuring these substances is carried out on the basis of ISO standards.

Regulations referred to in Articles 8, 9, 10, 11, and 12 prohibit the trade of cigarettes that do not have information with regard to tar, nicotine and carbon monoxide displayed, and tobacco products that do not have printed warnings with regard to the harmful effects of smoking, and regulates the size of the area on which the mentioned information and warnings are printed. Article 9 is in accordance with EU Directives, regulated warnings which must be printed on tobacco products packaging, and Article 12 regulates the manner in which the warnings and information referred to in Articles 8 to 11 must be printed, (color and size of letters, the areas on which the information is printed and warnings etc).

Regulations referred to in Articles 14 and 15 prescribe the compulsory measurements of harmful substances as well as the delivered documentation and information with regard to the harmful effects to the Institute for Public Health of Montenegro, and regulations referred to in Article 15 with regard to the obligation of the Institute to notify the public and the ministry

responsible for health matters about the results of the measurements that were carried out, confirmed violation of prohibition, contents of harmful substances of tobacco products and other information with regard to tobacco products that are of significance to the protection of health.

### **III MEASURES FOR REDUCING AND LIMITING THE USE OF TOBACCO PRODUCTS (Articles 17 to 30)**

Regulations from Article 17, 18, 19 and 20 regulate the matters that refer to prohibition of sale to minors and concrete prohibition of sale of tobacco products and products that have the form of tobacco products or signs that refer towards tobacco products. In the latter case new experience in comparative legislature has been particularly used, for example, the Canadian Law from 1997, the Irish Law from 2002 and the Slovenian law from 2003.

One of the key regulations of the draft law (Article 21) refers to the prohibition of advertising tobacco products. These decisions have been harmonized with the Directive of advertising and sponsorship of tobacco products No: 98/43 and with the World Health Organization Convention from 2003. Also regulations from article 22 provides for the exception from prohibition of advertising which have until now also been present in our regulations.

Provisions of Article 23 to 29, the prohibition of smoking has been ordered during public appearances, in health establishments, in educational establishments, in particular hospitality facilities, in means of public transport and other public areas, as well as work spaces and matters concerning determining, indicating and size of area for smokers and obligations of natural persona and legal entities in that regard have been ordered.

Provisions of Article 30 prescribe that it is obligatory for an establishment that carries out educational activities to introduce children and youth to the harmful effects to health of use of tobacco products.

### **IV INSPECTION SUPERVISION (ARTICLE 31)**

In this part of the draft law obligations have been prescribed for suitable inspectors to carry out inspection supervision of implementation of particular regulations of this Law.

### **V PENAL PROVISIONS (ARTICLES 31 TO 35)**

These regulations prescribe the penalties for violations due to violating the prohibition and not respecting the obligations of the provisions of this Law.

## **VI TRANSITIONAL AND FINAL PROVISIONS (Articles 36 to 40)**

These provisions regulate the issues of transition.

### **4. Necessary budget resources of the Republic of Montenegro for implementation of the law**

In order to implement this Law it is necessary to provide resources for implementing promotional measures and activities of the Institute for Public Health of Montenegro, and it is possible to obtain these resources by increasing tax on tobacco products as recommended by the EU Council Resolution on Reducing Smoking.