

LAW

ON THE PROTECTION OF THE POPULATION FROM EXPOSURE TO TOBACCO SMOKE

I. THE MAIN PROVISIONS

Article 1.

The present law defines the measures aimed at limiting the use of tobacco products, with the view to protect the population from exposure to tobacco smoke, control and prohibition of smoking and the implementation of the present law.

Article 2.

The following definition shall apply in the interpretation of the terms used herein:

1) smoking means possessing or handling burning tobacco products regardless of whether the smoke is being actively inhaled or not;

2) tobacco products designated for smoking means: cigars, cigarettes, cigarillos, cut rolling tobacco, cut pipe tobacco, cut tobacco for water pipes, "bidis", "kreteks", "sticks" as well as all other tobacco products designated for smoking in accordance with the law stipulating the manufacturing and sale of tobacco products;

3) tobacco smoke means the smoke released from a burning tobacco product, designated for smoking, as well as the smoke released from the lungs when smoking;

4) smoke free area means an area where there is no tobacco smoke, or an area where tobacco smoke cannot be seen, smelled or sensed in any other way or detected by testing;

5) an enclosed area is an area made of any materials, with a fixed floor or ceiling, movable or not, with doors, windows and passages fully closed, permanently or temporarily, as well as an area where less than one half of all external surfaces consists of openings, not including those envisaged for doors and windows;

6) work area means all enclosed areas where work is carried out as well as all connected enclosed areas and other associated areas, such as corridors, lifts, staircases, halls, communal areas, toilets, waiting rooms, canteens, service areas, storage areas, garages, business vehicles for transportation of people or goods etc;

7) public area means all enclosed areas accessible to the public, or designated for public use, regardless of the ownership, such as: areas where activities are conducted as part of state or local administration, health services, education and training, children's social care, social services, culture, sport and recreation, catering and tourism (restaurants, cafés, clubs, discotheques, etc.), media, recording and public broadcasting services, as well as all conference and public gathering areas, areas where trade and service provision activity is conducted, betting, gambling, amusement arcades and other gambling areas, as well as all connected and associated enclosed areas, such as corridors, lifts, staircases, entrance halls, common areas, toilets, waiting rooms, canteens, associated facilities, storage areas, garages, business vehicles for transportation of people or goods etc.;

8) public transport (hereinafter transport) means any vehicle used for the transportation of people by road, railway, air or river navigation, including taxis, underground trains, regardless of whether any such transport is free or not;

9) a person responsible for the implementation of the ban on smoking means any person carrying out or coordinating the use of enclosed working or public

areas, public transport as well as the persons to whom the right to use such areas has been entrusted by the owners thereof, where, pursuant to the present law, smoking is prohibited, as well as all operators carrying out an activity in accordance with law;

10) a catering facility means an area, functionally integrated and especially adapted and equipped, in conformity with the prescribed minimum technical, sanitary and hygienic requirements for the provision of catering services, and the conduct of catering activity (restaurant, bar, tearoom, café, or any other facility destined for the consumption of food and drinks);

11) the service area of a catering facility means the area used in direct provision of catering services, or where food and drinks are consumed, or where customers are situated;

12) the caterer means a company, an entrepreneur or a branch of a domestic or foreign legal entity providing catering services.

II. BAN OF SMOKING IN ENCLOSED WORKING AND PUBLIC AREAS

Article 3.

Smoking is prohibited in all enclosed areas, whether working or public, in accordance with the terms as set out herein.

Smoking is prohibited in areas which, in the sense of the present law, are not considered a public enclosed area, but which constitute a functional part of an area designated for the provision of health care, education, public child care, social care, including all garden areas and open areas used for theatrical, cinema and other types of events.

The persons responsible for the implementation of the smoking ban (hereinafter referred to as the responsible persons) shall implement the smoking ban in the areas envisaged in Paragraphs 1 and 2 of the present article.

The responsible person shall ensure that an area envisaged in Paragraphs 1. and 2. of the present article is provided, without tobacco smoke, as well as free of any tobacco product stubs or ashtrays.

Notwithstanding paragraph 1 of the present article, employers may provide a dedicated area for smoking, within an enclosed working area, where the employer's business shall not be conducted, and where a sign shall be displayed, informing the users that smoking therein is allowed, except for those enclosed areas where one of the following activities are carried out:

- government and local authority administration;
- health care;
- education;
- public child care;
- social care;
- culture;
- sport and recreation;
- production, control and sale of drugs;
- production, storage and sale of food;
- communal catering;
- media ad areas designated for recording and public broadcasting;
- conferences and public meetings.

All areas designated exclusively for smoking, as envisaged in paragraph 5 of the present article, shall meet the requirements as set out in article 6, Paragraphs 3-7. herein.

Areas designated exclusively for smoking, as set out in paragraph 5 of the present article, may be used by both the persons employed by the said employer and the users of the aforementioned areas.

The responsible person in a gambling room may decide that smoking be allowed in the functional part of the room, by displaying at the entrance to the said part of the room, a sign indicating that smoking is allowed in the said part of the gambling room.

The gambling room as envisaged in paragraph 8 of the present article constitutes a facility where the games of hazard are provided by a legal entity licensed to provide special gambling games, in gambling facilities, in accordance with the laws regulating gambling.

The functional part of the gambling room is the part meeting the following criteria:

1) it shall be separated from other parts of the gambling room by registration points where players shall be registered when entering or exiting the given area;

2) that gambling games are provided directly on the premises (game tables, machines or similar);

3) that a record of registered persons present in the given part of the room is available at all times, whereby each entry and exit of each person is recorded by an electronic reader of membership cards, supplied by the provider of the gambling games.

III. BAN OF SMOKING ON PUBLIC TRANSPORT

Article 4.

Smoking on public transport is prohibited, namely on:

1) buses, trams, trolleybuses, minibuses, taxis, funicular cabins, aeroplanes, trains, boats, catamarans, ferryboats, rafts as well as all other forms of transport which may be used in public passenger transport;

2) in all vehicles used as business vehicles used for transportation of passengers and goods.

Furthermore, smoking is prohibited in all enclosed public areas used as a waiting room or a station, where the passengers may be coming to or going from as part of the transport system, as set out in paragraph 1, point 1) of the present article.

The responsible person shall implement the ban of smoking in all areas envisaged in paragraphs 1 and 2 of the present article.

The responsible person shall ensure that an area envisaged in paragraphs 1. and 2. of the present article is provided, without tobacco smoke, as well as free of any tobacco product stubs or ashtrays.

IV. EXCEPTIONS FROM THE BAN OF SMOKING IN ENCLOSED WORKING AND PUBLIC AREAS

1. Catering facilities providing food and drink

Article 5.

The responsible person may implement the ban of smoking in all areas.

Where the responsible person in the catering facility the total functional surface of which exceeds 80 m² and which does not constitute a part of another area where smoking is prohibited, in accordance with the present law (for example, a facility which is a part of a shopping mall, an area envisaged in article 4, paragraph 2 of the present law, a catering facility run by the employer and similar.) shall have not banned smoking in all areas, whereby the responsible person shall designate an area where smoking is prohibited, with a total surface of at least 50% of the area, such as tables, desks, bars and other surfaces where food and drinks are served and which in a visual sense, represents an integral entity.

Where the surface of a catering facility shall be impossible to divide into areas, some where smoking is allowed and others where it is not, the responsible person shall designate the larger area, such as tables, desks, bars and other surfaces where food and drinks is served and which form an integral visual entity, as a non smoking area, whereby the said area shall be placed near the entrance of the catering facility.

The responsible person at the catering facility as envisaged in paragraphs. 2. and 3. of the present article, shall display a non-smoking sign in every space, table, desk, bar or other surface on which food and drinks is served, or in the opposite case, a sign indicating that smoking is allowed.

Article 6.

The responsible person in a catering facility, where the total functional surface of which exceeds 80 m² and which does not form a part of another area where smoking is prohibited in accordance with the present law, (for example a facility in a shopping mall, an area envisaged in article 4 paragraph 2 of the present law, a catering facility run by the employer) may designate a separate exclusive area for smoking in accordance with the provisions as set out in the present article.

In any such exclusively designated area for smoking, as set out in paragraph 1 of the present article, food and drinks may not be consumed or sold, and no activity may be carried out.

A sign shall be placed above the door or by the door leading to the smoking are, displaying the following: "Smoking room", indicating the number of persons allowed in the smoking room at the same time, based on the capacity of the ventilation system used for the purification of the air.

In front of the entrance to the smoking room, as well as within the said smoking room, provisions shall be made for the sign "smoking prohibited due to a breakdown in the ventilation system" to be displayed in the case of a breakdown in the ventilation system.

The smoking room shall be an enclosed area with a sliding door, with an autonomous operation control, where closed windows and doors shall be considered as the area walls.

The smoking room must be equipped with a ventilation system, fitted as an integral part of the room, separate from other ventilation systems, whereby it is impossible for the air containing tobacco smoke to penetrated other enclosed areas situated in the same enclosed space.

The air from the smoking room shall not be recycled, being instead discharged into the open air.

Article 7.

The provisions of articles 5. and 6. of the present law shall not apply to catering facilities, the total functional surface of which is up to 80 m², and which do

not represent a part of another area, where smoking is banned, in accordance with the present law for example an facility in a shopping mall, an area envisaged in article 4 paragraph 2 of the present law, a catering facility run by the employer or similar).

The responsible person of a catering facility envisaged in paragraph 1. of the present article, the total functional surface of which is up to 80 m² may dedicate this entire area for either smoking or non-smoking, whereby an appropriate sign shall be displayed on entrance to the said area in accordance with the present law.

2. Catering facilities offering accommodation

Article 8.

In hotels, motels, hostels or other catering facilities providing accommodation, in accordance with the regulations governing tourism and catering, smoking may only be allowed in a specially designated accommodation unit (hereinafter room) where:

1) the room designated for smoking (the floor and the number) is set in a written document issued by the responsible person;

2) where,, upon issue, the guest is offered a choice between a smoking and a non-smoking room;

3) where above the entrance to the room, a sign is displayed, indicating whether smoking is prohibited or permitted in the room in question;

4) where the room has a ceiling and where except for the door and windows, the room is fully enclosed from all sides from floor to ceiling, by solid walls;

5) where the air from the room in which smoking is allowed cannot reach other rooms, where smoking is prohibited, ;

6) where the doors to the room in which smoking is allowed do not open onto a room in which smoking is prohibited, except if the doors to such rooms are closed mechanically.

The responsible person shall ensure that all conditions as set out in paragraph 1 of the present article are met.

For all parts of a catering facility providing accommodation, where food and drinks are served or consumed, the present article provisions 5-7. shall apply.

In all other areas, except for the areas envisaged in paragraphs 1. and 3. of the present article, smoking is prohibited.

In terms of the ban on smoking in other areas, except for those envisaged in paragraphs 1. and 3. of the present article, article 3 paragraphs 3. and 4. of the present law shall apply.

The responsible person in a catering facility may implement the ban of smoking in all rooms.

In catering facilities envisaged in paragraph 1. of the present article, smoking shall be prohibited in all working areas where people employed in the catering facility are present.

3. Accommodation in special institutions

Article 9.

Smoking is allowed in the areas attended by:

1) the users of social care with reduced mobility or total immobility, disabled persons, mentally impaired as well as those with disturbed development;

2) patients of special hospitals for treatment of psychiatric illnesses as well as psychiatric ward patients;

3) users of institutions and wards for palliative care.

Smoking is prohibited in all other areas in the institutions described in paragraph 1 of the present article.

In terms of a ban of smoking in other areas, except for those envisaged in paragraph 1, article 3 paragraphs 3. and 4. of the present law shall apply.

In penal institutions, in areas populated by persons under investigation, or those serving a penal sentence in accordance with law, smoking is allowed.

Notwithstanding paragraph 2. of the present article, where appropriate conditions exist, a penal institution may designate a special area where smoking is allowed, for the population envisaged in paragraph 4. of the present article, or where smoking is not allowed for the said population.

In the institutions envisaged in paragraphs 1. and 4. of the present article, smoking is prohibited in working areas attended by the people employed in the institutions.

In the areas envisaged in paragraphs 1-5. of the present article, the responsible person shall display a sign, indicating that smoking is, or is not allowed, in the area in question.

Article 10.

The special areas envisaged in article 9 paragraph 1 of the present law, shall comply with the following requirements:

1) the area in question has been designated as a smoking area in a written document issued by the responsible person;

2) a sign is displayed on the door, indicating that smoking is allowed in the room in question;

3) the room has a ceiling and where, except for the door and windows, the room is fully enclosed from all sides from floor to ceiling, by solid walls;

4) where the air from the room in which smoking is allowed cannot reach other rooms, where smoking is prohibited;

5) where the doors to the room in which smoking is allowed do not open to a room in which smoking is prohibited, except if the doors to such room are closed mechanically as soon as they are used.

The conditions stipulated by paragraph 1. points 3)-5) of the present article shall not apply to penal institutions.

The responsible person shall ensure that all conditions as set out in paragraph 1 of the present article are met.

V. THE SMOKING AND NON-SMOKING SIGNS

Article 11.

All entrance doors of all enclosed working and public areas and transport vehicles where smoking is prohibited, as well as in all other visible surfaces, the responsible person shall display a non-smoking sign.

In areas where smoking is allowed, in the conditions set by the present law, the responsible person shall indicate this with a smoking sign.

The minister in charge of health matters (hereinafter referred to as the minister) shall define the form and the content of the non-smoking sign (information and warnings indicated on the non-smoking sign), or a sign indicating that smoking is allowed, in the designated area, as well as the manner in which the said signs shall be displayed.

VI. IMPLEMENTATION OF THE SMOKING BAN

1. Persons in charge of the implementation of the smoking ban

Article 12.

The responsible person shall ensure the implementation of the ban on smoking in all areas where smoking is prohibited, pursuant to the present law, and is responsible for the implementation of the non-smoking measures as stipulated by the present law.

The responsible person may issue a written authorisation, to one or several employees, to oversee the implementation of the smoking ban, for himself and on his behalf.

In the circumstances envisaged in paragraph 2 of the present article, where, in the areas where smoking is prohibited, an activity is carried out in shifts, the responsible person shall issue a written authorisation, to one or several workers, to oversee the implementation of the non-smoking ban in each shift.

In the circumstances envisaged in paragraph 2 of the present article, the responsible person shall issue a written authorisation to one or several workers in each public transport vehicle, as well as in all areas envisaged in article 4 paragraph 2 of the present law, to oversee the implementation of the smoking ban for him and on his behalf.

Notwithstanding paragraphs 2-4. of the present article, in taxi transportation, organised by individuals in accordance with law, the person in charge of the implementation of the smoking ban is the taxi driver.

2. Displaying the name of the person in charge of the implementation of the smoking ban

Article 13.

The responsible person shall display his name in one or several locations, in the area where smoking is prohibited, or the name of the person authorised by him to oversee the implementation of the smoking ban on his behalf as set out in article 12, paragraphs. 2-4. of the present law, indicating the location of the person and his telephone number to which instances of smoking in the given area may be reported.

3. Duties of the person in charge of the implementation of the smoking ban

Article 14.

Persons in charge of the implementation of the smoking ban shall:

- 1) oversee and check that the smoking ban is implemented in accordance with the present law;
- 2) to verbally request from any person acting in breach of the smoking ban to stop smoking in the area for which the implementer is responsible, as well as take measures to remove any offenders, failing to comply in spite of a verbal request, from the area;
- 3) to ask for the instigation of procedures, against any workers acting in breach of the ban on smoking, based on professional misconduct, in accordance with the law and employer's acts.

Notwithstanding paragraph 1. point 2) of the present article, the persons overseeing the implementation of the smoking ban shall not be obliged to take measures aimed at removing a person smoking in a non-smoking area after being verbally warned, or any persons working for the employer, from the premises, where such removal may breach the person's legal rights.

In the circumstances described in paragraph 1 points 2) and 3) of the present article, the persons overseeing the implementation of the smoking ban shall immediately draw up a report on the breaches of the smoking ban, in accordance with the present law, and submit the same to the person in charge without delay.

Reports envisaged in paragraph 3 of the present article shall be kept for at least 12 months of their creation, and submitted for inspection on appropriate request by the employer, to the inspector in charge or an appropriate government body.

The form of the report envisaged in paragraph 3 of the present article shall be defined by the minister.

The responsible person shall be answerable for any persons found to be smoking in a non-smoking area.

VII. PUBLIC HEALTH CARE IN REPUBLIC OF SERBIA

1. The program for prevention and reduction of the use of tobacco products

Article 15.

With the view to providing social care to the public in the Republic of Serbia, preserving and promoting health and detecting and suppressing the risks of disease, as well as learning about healthy living habits, the Government is implementing a programme for the prevention and suppression of the use of tobacco.

The funding of the programme envisaged in paragraph 1 of the present article is provided from the Budget fund set up in accordance with the law governing the use of tobacco.

2. Office for the prevention of smoking

Article 16.

With the view to securing the conditions for implementation of social care and health for the population of the Republic of Serbia, the institute for public health has been set up in the Republic of Serbia with the view to implementing the measures and activities aimed at preserving and promoting health, detecting and suppressing disease, as well as acquiring knowledge for healthy living habits and the prevention and suppression of smoking.

The actions envisaged in paragraph 1 of the present article are conducted by the organisational unit of the institute for public health of the Republic of Serbia (hereinafter referred to as: the Office for the prevention of smoking).

The funding of the programme envisaged in paragraph 1 of the present article is provided from the Budget fund set up in accordance with the law governing the use of tobacco.

Article 17.

Health institutions envisaged in Article 16 paragraph 2 of the present law shall carry out the following functions:

1) produce and implement an annual operation plan for the implementation of the programme as envisaged in article 15. paragraph 1. of the present law;

2) prepare a research plan, conduct research, monitor and study smoking and the occurrence of smoking habits as well as draw up an annual report on the smoking habits within the population;

3) gather information, monitor and study the organisation and operation of health institutions as well as propose measures for the development of smoking abandonment programmes;

4) prepare and propose expert methodology guidelines for health institutions for the prevention of smoking, as well as educational and promotional material for the prevention and eradication of smoking habits;

5) prepare smoking habit eradication programmes, promoting healthy living without tobacco smoking, preventing the harmful consequences of smoking to people's health;

6) contribute to the work of state bodies and organisations, as well as other institutions, organisations and bodies both national and international, dealing with smoking issues and the harmful consequences for people's health;

7) submit to the minister, a six-monthly and yearly report on the work of the Office for the prevention of smoking, as well as other reports, upon request by the ministry in charge of health issues (hereinafter referred to as the Ministry);

8) conduct other operations in accordance with law.

3. The Committee for the prevention of the use of tobacco

Article 18.

With the view to providing social care for people's health in the Republic of Serbia in respect of exposure to tobacco smoke, the minister is setting up a Committee for the prevention of the use of tobacco, as an expert body.

Members of the Committee for the prevention of the use of tobacco are the leading health workers as well as other contributors, providing a substantial contribution in the fight against the use of tobacco and the suppression of tobacco use and prevention of the consequences of exposure to tobacco smoke

The term for members of the Committee for the prevention of the use of tobacco is five years.

The Committee for the prevention of use of tobacco shall report on its work.

The funding for the Committee for the prevention of the use of tobacco is provided from the Budget funds set up in accordance with the law governing the use of tobacco.

Article 19.

The Committee for the prevention of the use of tobacco shall carry out the following functions:

1) prepare a proposal for the programme as set out in article 15. paragraph 1. of the present law;

2) give an opinion on the annual operations plan as set out in article 17, point 1) of the present law;

3) provide an opinion on the acts as set out in article 17. points 4), 5) and 7) of the present law;

4) follow up and assess the activities and results during each year, as set out in article 15. paragraph 1. of the present law, as well as other strategic acts and

obligations set out by international conventions, reporting on the same to the minister;

5) cooperate with expert committees in the Republic, set up in accordance with the law, as well as with other expert bodies and state organs and organisations, and international bodies dealing with the issues of smoking and the harmful consequences for people's health;

6) contribute to the production of clinical guidelines and protocols aimed at preventing and suppressing the smoking habit;

7) conduct other operations in accordance with the law.

VIII. THE INSURED PERSONS' RIGHT TO PREVENTIVE HEALTH CARE

Article 20.

Pursuant to the regulations governing minimum health care, the insured has the right to preventive health care and assistance in the eradication of the smoking habit.

IX. SUPERVISION

Article 21.

The implementation of the present law shall be supervised by:

1) The Ministry, through the health inspectorate, the sanitary inspectorate, as well as the inspectorate for drugs and medicines;

2) the ministry of education, through education inspectors, in accordance with laws setting the basic standards for the education system;

3) the ministry for labour, through the labour inspectorate;

4) the ministry for trade and services, through trade inspectors;

5) the ministry for tourism, through tourism inspectors;

6) the ministry of the interior, through inspectors for preventive care.

The Sanitary inspectorate shall conduct the monitoring of all areas where smoking is prohibited, whilst the other inspectorates, as set out in paragraph 1 of the present article, shall monitor the implementation of the smoking ban as part of their legal authority.

The inspectorates envisaged in paragraph 1. of the present article shall cooperate with one another, informing one another of the measures undertaken, exchanging information, providing assistance and taking joint measures and activities contributing to the implementation of the smoking ban.

Article 22.

The ministries envisaged in article 21 paragraph 1 of the present law constitute a composite body in accordance with the regulations governing the state administration.

In addition to the work based on the agreement stipulating its foundation, the composite ministerial body, as set out in paragraph 1 of the present article, shall produce a yearly inspection plan for the ban of smoking.

Article 23.

As part of his monitoring tasks, as set out in article 21 of the present article, the inspector shall be authorised:

1) to inspect the area where smoking is prohibited, gathering the necessary evidence, by measuring and using other methods, in accordance with the regulations governing the implementation of the present law;

2) to hear and take statements from persons found in breach of the smoking ban, as well as from the responsible person in charge of implementing the smoking ban as set out in Article 12 of the present law;

3) to levy a spot fine in accordance with the law;

4) to instigate proceedings with the appropriate body, without delay, against any persons found in breach of the smoking ban, the corresponding responsible persons as well as the corresponding legal entity or entrepreneur;

5) to conduct other inspection activities in accordance with the law.

The minister shall provide further definition of the required evidence as well as the methods of its gathering, pertaining to detection of the presence of tobacco smoke in areas where smoking is prohibited, as well as a form for the corresponding spot fines.

Article 24.

As part of his inspection duties, the inspector shall draw up a report, listing the state of evidence, for each inspection carried out in accordance with article 23 herein as well as the measures taken.

A copy of the report drawn up in accordance with paragraph 1 of the present article shall be given to the subject of the inspection.

Article 25.

Legal entities, entrepreneurs as well as any other persons shall ensure that the inspection can be conducted without impedance, in accordance with the law.

Article 26.

When conducting their operations in accordance with law, the communal police in towns and in the city of Belgrade, as well as all municipal bodies, shall implement the smoking ban as part of their official business.

The provisions pertaining to inspection work shall be applied to the conduct of business as set out in paragraph 1 of the present article.

The Ministry shall oversee the conduct of official business, as set out in paragraph 1 of the present article, in accordance with the law stipulating the state administration.

X. PENALTIES

1. Offences

Article 27.

A fine of Din 5,000 shall be levied on each physical person found:

1) smoking in an enclosed area or a public area where smoking is prohibited, in accordance with the provisions of the present (article 3. paragraphs 1. and 2, article 8. paragraphs 4. and 7. and article 9. paragraphs 2. and 6);

2) smoking on public transport or in any other enclosed public area, used as a waiting room or a station attended by passengers (article 4. paragraphs 1. and 2);

Article 28.

A fine of Din 500,000 to Din 1,000,000 shall be levied on all legal entities:

1) found not implementing the ban of smoking in an enclosed area or a public area where smoking is prohibited, in accordance with the provisions of the present (article 3. paragraphs 1. and 2, article 8. paragraphs 4. and 7, article 9. paragraphs 2. and 6. and article 10)

2) found not banning the smoking on public transport or in any other enclosed public area, used as a waiting room or a station attended by passengers (article 4);

3) acting in breach of articles 5-7. of the present law.

4) if, in a catering facility providing accommodation for which a decision to ban smoking in all areas has not been made, no document is found designating special rooms in the hotel, motel, hostel or other catering facility conducting the business in accordance with the regulations stipulating tourism and catering, whereby smoking is allowed on the conditions stipulated by the present law, or where smoking is not allowed, or in the circumstances where such areas do not meet the requirements as prescribed by the present law (article 8);

5) if no sign is found in each area where smoking is prohibited or in all public transport vehicles and areas envisaged in article 4 paragraph 2 of the present law, in a visible location or in several locations, depending on the work structure and organisation, indicating that smoking is prohibited, or allowed in designated areas (article 11);

6) if, in the areas where smoking is prohibited, no name of the person responsible for the implementation of the ban on smoking, for each shift, is displayed, in one or several locations, in either a public area or any part thereof, or in a public transport vehicle, as envisaged in article 4. paragraph 2. of the present law, providing details of the person's location and the telephone number to which instances of smoking in the given area can be reported (article 13);

7) if no report is drawn up on breaches of the ban of smoking in accordance with the present law, or if the said report is not kept for at least 12 months from its issue, or if a person is found smoking in a non-smoking area (article 14).

For offences envisaged in paragraph 1 of the present article, the responsible person in the legal entity shall be liable to pay a fine of Din 30,000 to 50,000.

For offences envisaged in paragraph 1 of the present article, the entrepreneur found in breach shall pay a fine of Din 300,000 to 500,000.

XI. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 29.

The regulations stipulating the implementation of the present law shall be made within 90 days of the present law coming into effect.

Article 30.

Legal entities and entrepreneurs in whose facilities smoking is prohibited, or those exempt from the ban of smoking, in accordance with the present law, shall adapt their operations to accommodate the provisions of the present law within 180 days of the present law coming into effect.

Article 31.

The person responsible for a catering facility constituting a part of another facility where, pursuant to the present law, smoking is prohibited (for example facilities within a shopping mall, facilities envisaged in article 4, catering facilities run by the employer etc.) shall be responsible for the implementation of the ban on

smoking within that area as well as adapting the operations thereof within the provisions of the present law, within 180 days of the present law coming into effect.

Article 32.

The present law shall replace the Law on the ban on smoking in enclosed areas (Official Journal of RS, No 16/95 and 101/05) the latter ceasing to be effective as of the former coming into effect.

Article 33.

The present law shall come into effect as of the eighth day of the publication thereof in the "Official Journal of Republic of Serbia".