Law No. 9636 of 6 November 2006 for Health Protection from Tobacco Products

Pursuant to articles 78 and 83, item 1 of Constitution, upon a proposal from Council of Ministers.

Assembly of Republic of Albania

Decided:

Chapter I General Dispositions

Article 1 Purpose

The purpose of the current law remains the protection of public health from the use of tobacco products and involuntary exposure to smoke.

Article 2 Objective

The objective of the current law remains:

a) Designation of measures aiming at restricting the use of tobacco products and protecting the public from harms caused by involuntary exposure to smoke;

b) Designation of measures aiming at making the public aware of tobacco harms and guaranteeing effective and continuous informing of tobacco users about such harms;

c) Designations of measures to prevent starting of smoking, encourage and support quitting, and reduce consumption of tobacco products.
**Article 3 Definitions**

For the purpose of the current law, the following terms bear these meanings:

1. “Tobacco products” imply products manufactured entirely or partially from tobacco leaf as a raw material to be smoked, inhaled, chewed or snuffed.

2. “Packet or package” implies every retailed box or closed bag containing tobacco products.

3. “Tar” implies dry and undiluted condensation, without nicotine, of smoke released from smoking cigarettes/tobacco.

4. “Nicotine” implies toxic nicotinic alkaloids contained in tobacco smoke, which affect nervous system.

5. “Carbon Monoxide” implies a chemical substance produced while tobacco is burned and released together with tobacco smoke.


7. “Smoking” implies lighting, inhaling and holding a tobacco product in your hand while it is being burned.

8. “Advertisement of tobacco products” implies every form of communication, recommendation or commercial action which has an impact on promoting a tobacco product or encouraging smoking directly or indirectly including even sponsorship or image of a tobacco product by mentioning its name or brand name.

9. “Brand” implies distinctive signs attached to tobacco products to indicate their type, quality and the manufacturer including their names, letters, numbers, symbolic signs, combination of colours or shades as well as a combination of them.

10. “Tobacco sponsorship” implies every form of contribution for an event, cultural or sports activity or for an individual, which leads to or may lead to promotion or utilization of tobacco products directly or not.
11. “Tobacco promotion” implies every kind of activity, event or action aiming at making the public aware of new tobacco products launched or to be launched in the market.

12. “Public environment” implies a closed environment, arranged for collective gatherings such as rooms in buildings where activities in the field of health, social wellbeing, education and training, trading, sports, foodstuff, art and culture as well as lobbies, conference halls, halls for public meetings, lecture halls, public transport means, elevators, etc.

13. “Working environment” implies every closed space, where employees perform the activities and duties designated to them as well as meeting halls, corridors, stairs, elevators, toilets, and any other closed environment attended during working hours.

14. “Ashtray” implies a small container where tobacco ash is shaken off while it is being burned and where cigarettes butts are placed.

15. “Preventive measures against smoking” implies regular activities aiming at protecting public health by prolonging life expectancy and improving its quality.

16. “ICHPTP” implies Intersectional Committee for Health Protection against Tobacco Products.

17. “ISO (International Standards Organization)” implies a system of references which sets/provides specifications and criteria to be applied regularly while classifying industrial materials and providing products, testing and analyzing them, identifying the terminology and offering services.

Chapter II Mandatory Health Warnings on Tobacco Products

Article 4

Every package unit or packet of tobacco products should contain warning messages with regard to health harms caused by smoking. Such messages should be written clearly, legibly, and visibly in Albanian language. They should occupy 50% or more
of the surface they appear, however not less than 30% of the main page/surface. Type and test of messages shall be determined by ICHPTP on regular bases.

**Article 5**

1. On packages and packets, containing tobacco products, should also appear in written form in Albanian:

   a) Name of product;
   b) Name, address of manufacturer and name of license holder;
   c) Number of pieces/units of tobacco products per package or packet;
   d) Amount of nicotine contained in the smoke;
   e) Amount of tar contained in the smoke;
   f) Amount of carbon monoxide contained in the smoke;

2. If the product has not been packaged by its manufacturer, it should also bear the name of packager. The data mentioned in items 1 and 2 of the current law should occupy 10% of the outside surface of the packet and be placed on side surfaces.

3. It is banned to manufacture, import, and trade tobacco products containing more than:
   - 10 mg of tar per cigarette;
   - 1 mg of nicotine per cigarette;
   - 10 mg of carbon monoxide.

Tests measuring the amount of tar, nicotine, and carbon monoxide shall be conducted in laboratories accredited by competent authorities based on ISO standards.

**Article 6**

Writing expressions such as “contains less amount of tar”, “light”, “super light”, “mild” or terms, figures, photos, drawings, and other similar elements on packets or
packages, aiming at creating the wrong impression that a certain tobacco product is
less harmful than other products, shall be banned.

**Article 7**

It is the task of Ministry of Health to notify the public about tar, nicotine, and carbon
monoxide levels in the production of tobacco products, their impact on health as well
as every effect which brings about or is thought to bring about dependence/addiction
on the part of consumers.

**Article 8**

It is mandatory for manufacturers and/or importers of tobacco products to present to
the Ministry of Health, regarding tobacco products circulating in the domestic market
as well as whenever they launch a new tobacco product in the market, a list with all
the components utilized during the fabrication of product and their respective
amounts, the reason why such components have been used as well as how such
components function and are categorized. Such a list should be accompanied with
toxicological data regarding such components, made available by the manufacturer
or importer, emphasizing in particular their impact on health and assessing every
effect which brings about or is thought to bring about dependence/addiction on the
part of consumer.

**Chapter III Restricting Measures for Consuming Tobacco Products**

**Article 9**

It is forbidden to trade or provide, for commercial purposes, tobacco products to
persons under the age of 18. All vending units shall be provided with a visible and
legible sign saying: “It is forbidden to trade tobacco products to persons under the
age of 18.”
Article 10

It is forbidden to trade tobacco products at:

a) State institutions;
b) Educational institutions;
c) Sports institutions;
d) Automatic vending machines;
e) As a self-service;
f) Ambulatory traders;
g) By mail service.

Article 11

It is forbidden to retail tobacco products in damaged packages or unpackaged.

Article 12

It is forbidden for legal subjects who manufacture, import or trade tobacco products to offer them freely.

Chapter IV Advertisement, Promotion, and Sponsorship

Article 13

It is forbidden to advertise or promote tobacco products by means of written media, television or radio transmission, and information companies’ services. It is forbidden to advertise and promote tobacco products in any other form or way. It is forbidden to publish photos, drawings etc, for advertisement or promotion purposes which reveal people smoking or create wrong public impression about the features of tobacco products, health impacts, risks and/or harms. Scientific texts/books, magazines and other professional tobacco publications shall not be considered as means of advertisement or promotion.
**Article 14**

It is forbidden for companies which specialize in manufacturing, importing or trading of tobacco products to sponsor radio and television programs and every other activity when such a sponsorship aims at promoting or advertising tobacco products.

**Chapter V Protection from Involuntary Exposure to Tobacco Smoke**

**Article 15**

It is forbidden to smoke at:

a) Working places;  
b) Health institutions, but institutions of mental health (only for patients);  
c) Educational institutions;  
d) Public transport means/vehicles;  
e) Commercial sites, bars, restaurants, discotheques, and night clubs;  
f) Other public sites;

The above-mentioned institutions shall issue internal regulations emphasizing the forbiddance of smoking in such sites and identifying clearly the person responsible for violations of the rule by anyone.

**Article 16**

Owner or administrator of sites mentioned in Article 15 of the current law or the person appointed by them shall be responsible for placing visible signs which indicate that smoking in such places is forbidden as well as for not permitting the use of ashtrays in such sites.
Chapter VI Organization of Structures for Health Protection against Tobacco Products

Article 17

Intersectional Committee for Health Protection against Tobacco Products (ICHPTP) shall be established at Ministry of Health. ICHPTP shall be headed by Minister of Health. Manner of organization, functioning, composition as well as rate of remunerations for members of the Committee shall be determined by a decision of Council of Ministers.

Article 18

ICHPTP shall be responsible for:

a) Directing public health policies and strategies towards tobacco products;

b) Revising the existing legislation regarding public health protection from tobacco products and proposing amendments of the law;

c) Proposing programs and projects in order to ensure the reduction of tobacco products consumption and protection of citizens, monitoring and assessing such programs and projects;

d) Directing sources towards programs and projects aiming at reduction of tobacco products consumption and health protection.

e) Ensuring collaboration with state and private institutions both at home and abroad regarding tobacco control policies;

f) Submitting annual reports to the relevant parliamentary commission.
Chapter VII Control, Monitoring of Implementation of Law and Administrative Violations

Article 19

Control regarding the implementation of:

a) State Sanitary Inspectorate, customs administration, and Taxation Police shall be responsible for implementing Articles 4, 5, and 6. In cases when such institutions conduct joint controls, they shall coordinate their duties to serve this purpose.

b) Taxation Police shall be responsible for implementing Article 9;

c) State Sanitary Inspectorate shall be responsible for implementing letter “a”, “b”, and “c” of Article 10, whereas Taxation Police shall be responsible for implementing letters “d”, “e”, “f”, and “g”;

d) Taxation Police shall be responsible for implementing Articles 11, 12, 13, and 14;

e) State Sanitary Inspectorate, Municipal or Commune police, as determined by their jurisdictional territories, shall be responsible for implementing articles 15 and 16. In cases when such institutions conduct joint controls, they shall coordinate their duties to serve this purpose. It is the task of State Sanitary Inspectorate, which operates pursuant to Law No. 7643 dated 2.12.1992 “For State Sanitary Inspectorate”, amended, to monitor the application of the current law.

Article 20

Violations of provisions of the current law, when not qualified as criminal cases, shall be considered as administrative violations and condemned as follows:

a) Violation of Article 4, Article 5, item 1, letters “d”, “e”, “f”, and “g”, and item 3, as well as Article 6 shall be condemned with confiscation, extermination of goods, and a
fine of LEK 5,000,000 (five million), depending on the case, for the importer of product or domestic manufacturer;

b) Violation of Article 9 shall be condemned with confiscation of tobacco products and a fine of LEK 100,000 (one hundred thousand), depending on the case, for the retail or wholesale subjects;

c) Violation of Article 10 shall be condemned with confiscation of tobacco products and a fine of LEK 100,000 (one hundred thousand), depending on the case, for the retail subject or owner of the business as provided for by letters “d”, ‘e”, and “f” of Article 10;

d) Violation of Article 11 shall be condemned with confiscation of tobacco products and a fine of LEK 200,000 (two hundred thousand) for the retail subject.

e) Violation of Article 12 shall be condemned with confiscation of tobacco products and a fine of LEK 100,000 (one hundred thousand), depending on the case, for the manufacturer, importer, or trader who has committed the offence.

f) Violation of Article 13, paragraph 1 and 2, shall be condemned with a fine of LEK 300,000 (three hundred thousand) for the owner of advertising company, written media, radio or television transmission, or information company’s service;

g) Violation of Article 14 shall be condemned with a fine of LEK 3,000,000 (three million) for the manufacturer, importing subject or trader of tobacco products who has committed the offence;

h) Failure to meet the obligations provided for by paragraph 1, Article 16 on the part of owner/administrator or the person responsible appointed by them shall be condemned with a fine of LEK 50,000 (fifty thousand) for the owner/administrator of the site or the personnel appointed by the former. Sanctions for administrative violations provided for above shall be enforced immediately. Appealing against them shall occur pursuant to Law No. 7697 dated 7.4.1993 “For administrative violations”, amended.
Article 21

Paragraph 3 of Article 19/a and paragraph 3 of Article 19/b of law No. 8691 dated 16.11.2000 “For Manufacturing and Trading of Tobacco and Cigarettes”, amended, shall be repealed.

Article 22

It is the task of Council of Ministers, as provided for by articles 17 and 19 of the current law, to issue bylaws.

Article 23

The current law shall enter into force 6 months after its publication in the Official Bulletin, whereas article 6 of the current law shall be enforced as of January 1, 2009.

Declared upon decree No. 5122 dated 20.11.2006 of the President of the Republic of Albania,

Alfred Moisiu