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Tobacco Act[1]

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RT I 2005, 29, 210
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Amended by the following acts

Passed	Published	Entry into force
21.12.2006	RT I 2007, 4, 19	01.09.2007
06.11.2008	RT I 2008, 49, 272	01.01.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
09.06.2010	RT I 2010, 41, 240	01.09.2010
17.06.2010	RT I 2010, 44, 262	01.09.2010
27.10.2010	RT I, 18.11.2010, 2	01.01.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially 01.01.2014 and 01.11.2014; date of entry into force partially changed to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially23.03.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107^3 (4) of the Government of the Republic Act.
18.02.2015	RT I, 12.03.2015, 7	22.03.2015, partially01.05.2015 and 01.01.2016
17.02.2016	RT I, 08.03.2016, 1	20.05.2016, partially01.06.2017 and 20.05.2019
08.06.2016	RT I, 28.06.2016, 3	08.07.2016, partially01.06.2017
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
31.05.2017	RT I, 16.06.2017, 73	01.01.2018
13.12.2017	RT I, 09.01.2018, 1	19.01.2018, partially 01.07.2019
09.05.2018	RT I, 31.05.2018, 1	01.01.2019

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of regulation of Act

(1) This Act provides the requirements for tobacco products and their packaging and products related to tobacco products, special requirements for the handling of tobacco products and products related to tobacco products, restriction on sponsorship and ban on the promotion of tobacco products, prohibition of and restriction on the consumption of tobacco products and products related to tobacco products and supervision over compliance with this Act and liability for violation of this Act. The primary objective of this Act is to ensure the protection of human health.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(2) The sales packaging of tobacco products shall be revenue stamped according to the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I 2008, 49, 272 - entry into force 01.01.2009]

(3) In this Act, the terms “territory of the European Union”, “Member State” and “third country” shall have the meanings provided for in § $1^1$of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(4) The requirements provided for in this Act regarding tobacco products and their packaging shall not apply:
1) in the case specified in clause 27 (1) 1^1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;
[RT I 2008, 49, 272 - entry into force 01.01.2009]
2) to tobacco products which a traveller who is at least 18 years of age brings into Estonia for non-commercial purposes inside the baggage with which he or she is travelling;
[RT I 2008, 49, 272 - entry into force 01.01.2009]
3) to tobacco products which are sent by a natural person living in a foreign state to a natural person in Estonia who is at least 18 years of age for non-commercial purposes or which a natural person sends to a foreign state for non-commercial purposes;
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
4) upon retail sale of tobacco products on board a ship or an aircraft during a passenger service outside of the Community.

(5) The requirements provided for in this Act regarding the packaging of tobacco products shall not apply:
1) upon retail sale of tobacco products on board a ship or an aircraft during an intra-Community passenger service;
2) upon retail sale of tobacco products at sales facilities located in the passengers-only area of an airport open for international traffic;
[RT I, 16.06.2017, 1 - entry into force 01.07.2017]
3) [repealed - RT I, 09.01.2018, 1 - entry into force 19.01.2018]
4) to tobacco products which are produced or stored in an excise warehouse for the purpose of their transfer into a foreign state.

(5^1) The requirements provided for in this Act regarding electronic cigarettes and refill containers shall not apply to products with regard to which the licence obligation provided for in the Medicinal Products Act or the requirements provided for in the Medical Devices Act apply.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(5^2) Clauses (4) 2)-4) and (5) 1), 2) and 4) of this section shall also apply to products related to tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(6) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Tobacco

Tobacco is a plant from the genus *Nicotiana*.

§ 3. Tobacco product

(1) “Tobacco products” mean products for the purposes of smoking, chewing, sucking or sniffing, inasmuch as they are, even partly, made of tobacco.

(2) Tobacco products are classified as smoking and smokeless tobacco products.

(3) The types of smoking tobacco products are a cigarette, a cigar, a cigarillo and smoking tobacco for the purposes of subsections 16 (2)–(4[1]) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(4) “Smokeless tobacco product” means a tobacco product not involving a combustion process, including chewing tobacco, nasal tobacco and tobacco for oral use.
[RT I, 12.03.2015, 7 - entry into force 01.05.2015]

(5) "Novel tobacco products" mean tobacco products which are not cigarettes, roll-your-own tobacco, pipe tobacco, waterpipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or tobacco for oral use and which are placed on the market after 19 May 2014.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 3[1]. Products related to tobacco products

(1) “Products related to tobacco products” are:
1) products used similarly to tobacco products which imitate consumption of tobacco products and products used to replace tobacco products, including electronic cigarette, herbal products for smoking, different materials to replace waterpipe tobacco and tobacco-free snus, regardless of the nicotine yield of such products;
2) products directly intended for consumption of tobacco products, including waterpipes and pipes, components and accessories thereof, cigarette papers, cigarette-paper tubes and filling devices thereof, filters belonging to tobacco products and connected thereto, filtering pipe sockets and filter cartridges, cigar and cigarette holders and goods equivalent thereto and components thereof and other products.

(2) “Electronic cigarette” means a product that can be used for consumption of nicotine-containing vapour via a mouthpiece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges.

(3) “Herbal product for smoking” means a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

§ 4. Packaging

(1) “Sales packaging of tobacco products” means the packaging of tobacco products for the purposes of clause 3 (1) 1) of the Packaging Act.

(2) “Grouped packaging of tobacco products” means packaging for the purposes of clause 3 (1) 2) of the Packaging Act.

§ 5. Brand

For the purposes of this Act, “brand” means a name assigned to a tobacco product with or without an extension characterising the tobacco product or its sales packaging.

§ 6. Handling

(1) “Handling of tobacco products or products related to tobacco products” means:
1) the manufacture, processing or packaging of tobacco products or related products (hereinafter *manufacture of tobacco products or products related to tobacco products*);
2) trading in tobacco products or related products;
3) the possessing, storage or distribution of tobacco products or related products for commercial purposes or in a commercial quantity.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(2) The quantitative limits specified in clause 31[1](1) 1) for smokeless tobacco products and the quantitative limits specified in § 57[1] of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act for other products shall apply upon determination of a quantity of tobacco products and alternative tobacco products within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act possessed by a person as a commercial quantity.
[RT I, 27.06.2018, 2 - entry into force 01.07.2018]

(2[1]) A quantity of smoking tobacco products or alternative tobacco products within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act which is not permitted to be handled is deemed to be large if the

excise duty calculated on the quantity of such tobacco products exceeds one hundred times the amount of excise duty specified in subsection 56 (1^1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

(2^2) A quantity of smokeless tobacco products which is not permitted to be handled is deemed to be large if the quantity of such tobacco products exceeds 15 kilograms.
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

(3) "Trading in tobacco products or products related to tobacco products" is:
1) offer for sale and sale of tobacco products or related products on a wholesale basis (hereinafter *wholesale trade in tobacco products or products related to tobacco products*);
2) offer for sale and sale of tobacco products or related products on a retail basis (hereinafter *retail trade in tobacco products or products related to tobacco products*);
3) distance sale of tobacco products or related products to consumers where, at the time the consumer orders the product from a retail outlet, the consumer is located in Estonia and the retail outlet is established in another Member State or a third country (hereinafter *cross-border distance sale*).
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(3^1) A retail outlet specified in clause (3) 3) of this section is deemed to be established in a Member State if, in the case of a natural person, he or she has his or her place of business in that Member State or, in other cases, if the retail outlet has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that Member State.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(3^2) The distant sale by a retail outlet that is located in Estonia to a consumer who is established in another Member State or a third country shall also be considered cross-border distance sale provided for in clause (3) 3) of this section.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(4) If an undertaking offers use of a pipe in which smoke goes through liquid (hereinafter *waterpipe*) for the consumption of the corresponding smoking tobacco (hereinafter *waterpipe tobacco*), it is deemed to be a service related to retail trade in tobacco products to which the provisions concerning retail trade in tobacco products apply.

§ 7. Smoking

For the purposes of this Act, "smoking" means the use of a cigarette, cigar, cigarillo, smoking tobacco or herbal product for smoking for its intended use regardless of whether any and which means are used therefore.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 7^1. Competent state authority

Unless otherwise provided, the Health Board shall perform the acts and issue the administrative acts provided for in this Act.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

Chapter 2
HANDLING OF TOBACCO PRODUCTS AND PRODUCTS RELATED TO TOBACCO PRODUCTS

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

Division 1
Requirements for Tobacco Products and Products related to Tobacco Products

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 8. Requirements for ingredients of tobacco products

[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(1) The tar yield of cigarettes is the yield of raw anhydrous nicotine-free condensate of smoke which shall not exceed 10 mg per cigarette.

(2) The nicotine yield of cigarettes is the yield of nicotinic alkaloids which shall not exceed 1 mg per cigarette.

(3) The carbon monoxide yield of cigarettes is the yield of carbon monoxide upon burning which shall not exceed 10 mg per cigarette.

(4) Tobacco products shall not contain the following additives:
1) vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;
2) caffeine, taurine or other additives and stimulant compounds that are associated with energy and vitality;
3) additives having colouring properties for emissions;
4) additives that facilitate inhalation or nicotine uptake;
5) additives that have CMR properties in unburnt form.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(5) Cigarettes and roll-your-own tobacco shall not have a characterising flavour. “Characterising flavour” means a clearly noticeable taste or smell other than one of tobacco, resulting from an additive or a combination of additives which is noticeable before or during the consumption of the tobacco product.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(6) The components of cigarettes and roll-your-own tobacco such as filters, papers, packagings and capsules shall not contain flavourings. It is prohibited to use any technical features allowing modification of the taste or smell of tobacco products or their smoke intensity.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(7) Filters, papers and capsules used with cigarettes and roll-your-own tobacco shall not contain tobacco or nicotine.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(8) Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, (OJ L 136, 29.05.2007, pp. 3–280) is applied to tobacco products.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(9) Commission Implementing Regulation (EU) 2016/779, laying down uniform rules as regards the procedures for determining whether a tobacco product has a characterising flavour (OJ L 131, 20.05.2016, pp. 48–54) shall be applied upon determining whether a tobacco product has a characterising flavour.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 8[1]. Requirements for ingredients of electronic cigarettes

(1) The nicotine-containing liquid shall not contain nicotine in excess of 20 mg/ml.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(2) The nicotine-containing and nicotine-free liquid shall not contain the following substances:
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
1) vitamins or other additives that create the impression that a product has a health benefit or presents reduced health risks;
2) caffeine, taurine or other additives and stimulant compounds that are associated with energy and vitality;
3) additives having colouring properties for emissions;
4) substances that pose a risk to human health in heated or unheated form, except for nicotine.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(3) Only ingredients of high purity are used in the manufacture of the nicotine-containing and nicotine-free liquid of electronic cigarettes. Substances other than the ingredients listed on the packaging are only present in the liquid in trace levels, if such traces are technically unavoidable during manufacture.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 8[2]. Requirements for electronic cigarettes

(1) Electronic cigarettes shall deliver the nicotine doses at consistent levels under conditions of use prescribed by the manufacturer.

(2) Electronic cigarettes and refill containers shall be child- and tamperproof, protected against breakage and leakage and have a mechanism that ensures refilling without leakage.

(3) Electronic cigarettes and refill containers shall comply with the requirements provided for in European Commission Implementing Decision (EU) 2016/586 on technical standards for the refill mechanism of electronic cigarettes (OJ L 101, 14.04.2016, pp. 15–16).
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 9. Verification of yield of cigarettes

The requirements and procedure for laboratory tests regarding the tar, nicotine and carbon monoxide yields of cigarettes shall be established by minister responsible for the area.

§ 10. Notification of ingredients of tobacco products

(1) An undertaking importing tobacco products into Estonia for transfer or an undertaking manufacturing tobacco products in Estonia shall submit to the Health Board prior to the placing on the market of a new or modified tobacco product an electronic report by brand name and type. The report shall be submitted in accordance with the format provided for in European Commission Implementing Decision (EU) 2015/2186 establishing a format for the submission and making available of information on tobacco products (OJ L 312, 27.11.2015, pp. 5–18) which shall contain:
1) a list of all ingredients, and quantities thereof, used in the manufacture of the tobacco products, in descending order of the weight of each ingredient included in the tobacco products, accompanied by a statement setting out the reasons for the inclusion of such ingredients in the tobacco products and information on whether the ingredients have been registered under the REACH Regulation and classification of the ingredients under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, pp. 1–1355);
2) tar, nicotine and carbon monoxide emission levels;
3) where available, information on other emissions and their levels and the measurement methods used.

(2) The report specified in subsection (1) of this section shall also be accompanied by the toxicological data available to the undertaking importing tobacco products into Estonia for transfer or the undertaking manufacturing tobacco products in Estonia regarding the ingredients used in tobacco products in burnt or unburnt form as appropriate, referring in particular to their effects on health and taking into account their addictiveness and toxicity. The Health Board may require the specified undertaking to carry out relevant studies.

(3) In the case of cigarettes and smoking tobacco, an undertaking importing tobacco products into Estonia for transfer or an undertaking manufacturing tobacco products in Estonia shall submit in addition to the information specified in clause (1) 1) of this section a technical document setting out a general description of the additives used and their properties.

(4) The information submitted on the basis of subsections (1)–(3) of this section shall be published on the website of the Health Board. Upon publication of the information, except in the case of information concerning the tar, nicotine and carbon monoxide yields of tobacco products, account shall be taken of the need to protect business secrets relating to the ingredients of tobacco products.

(5) Undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia shall submit to the Health Board internal and external studies available to them on market research and preferences of various consumer groups, including young people and current smokers, relating to ingredients and emissions, as well as executive summaries of any market surveys they carry out when launching new products.

(6) Undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia shall submit to the Health Board their sales volumes per brand and type.

(7) In addition to the report specified in subsection (1) of this section, additional studies must be carried out with regard to some of the additives contained in cigarettes and smoking tobacco and which have been added in the priority list (hereinafter *priority list*) established with Commission Implementing Decision (EU) 2016/787, laying down a priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations (OJ L 131, 20.05.2016, pp. 88–90); such studies shall examine for each additive whether it:
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
1) contributes to the toxicity or addictiveness of the products concerned, and whether this has the effect of increasing the toxicity or addictiveness of any of the products concerned to a significant or measurable degree;
2) results in a characterising flavour;
3) facilitates inhalation or nicotine uptake;
4) leads to the formation of substances that have CMR properties, the quantities thereof, and whether this has the effect of increasing the CMR properties in any of the products concerned to a significant or measurable degree.

(8) The studies specified in subsection (7) of this section shall take into account the intended use of the products concerned and examine in particular the emissions resulting from the combustion process involving the additive concerned. The studies shall also examine the interaction of that additive with other ingredients contained in the products concerned. Undertakings importing tobacco products into Estonia for transfer or undertakings

manufacturing tobacco products in Estonia who are using the same additive in their tobacco products may carry out a joint study when using that additive in a comparable product composition.

(9) Undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia shall prepare a report on the results of the studies specified in subsection (7) of this section including an executive summary, and a comprehensive overview compiling the available scientific literature on that additive and summarising internal data on the effects of the additive and shall submit the report to the European Commission and the Health Board at the latest 18 months after the additive concerned has been included in the priority list prepared by the European Commission. In addition to the submitted report, the Health Board may request supplementary information regarding the additive concerned.

(10) The Health Board may require the report specified in subsection (9) of this section to be peer reviewed by an independent scientific body, in particular as regards its comprehensiveness, methodology and conclusions.

(11) Enterprises as defined in European Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.05.2003, pp. 36–41) shall be exempted from the carrying out of the studies specified in subsection (7) of this section if a report on that additive is prepared by another undertaking importing tobacco products into Estonia for transfer or another undertaking manufacturing tobacco products in Estonia.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 10[1]. Notification of novel tobacco products

(1) Undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia shall submit to the Health Board a notification in electronic form six months before the intended placing on the market of a novel tobacco product which shall include the following information:
1) a detailed description of the novel tobacco product and instructions for its use and the information on ingredients and emissions required in § 10 of this Act;
2) available scientific studies on toxicity, addictiveness and attractiveness of the novel tobacco product, in particular as regards its ingredients and emissions;
3) available studies, executive summaries thereof and market research on the preferences of various consumer groups, including young people and current smokers;
4) other available and relevant information, including a risk/benefit analysis of the product, its expected effects on initiation of tobacco consumption, its expected effects on cessation of tobacco consumption and predicted consumer perception.

(2) The Health Board may require the undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia to carry out additional tests or submit additional information.

(3) The Health Board shall make the information submitted on novel tobacco products available to the European Commission.

(4) All novel tobacco products to be placed on the market shall comply with the requirements established for tobacco products by this Act.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 10[2]. Notification of ingredients of electronic cigarettes and refill containers

(1) Undertakings importing electronic cigarettes or refill containers or electronic cigarettes and refill containers into Estonia for transfer or undertakings manufacturing these in Estonia shall submit to the Health Board a report in electronic form six months before the intended placing on the market of a product or for each substantial modification of the product. The report shall be submitted in accordance with the format provided for in European Commission Implementing Decision (EU) 2015/2183 establishing a common format for the notification of electronic cigarettes and refill containers (OJ L 309, 26.11.2015, pp. 15–27) which shall, depending on whether the product is an electronic cigarette or a refill container, contain the following information:
1) the name and contact details of the manufacturer, a responsible legal or natural person within the European Union, and, if applicable, the importer into the European Union;
2) a list of all ingredients contained in, and emissions resulting from the use of, the product, by brand name and type, including quantities thereof;
3) toxicological data regarding the product's ingredients and emissions, including when heated, referring in particular to their effects on the health of consumers when inhaled and taking into account, inter alia, any addictive effect;
4) information on the nicotine doses and uptake when consumed under conditions prescribed by the manufacturer;

5) a description of the components of the product, including, where applicable, the opening and refill mechanism of the electronic cigarette or refill containers;
6) a description of the production process, including whether it involves series production, and a declaration that the production process ensures conformity with the requirements established by this Act;
7) a declaration that the undertaking importing these products into Estonia for transfer and the undertaking manufacturing tobacco products in Estonia bear full responsibility for the quality and safety of the product, when used under conditions prescribed by the manufacturer.

(2) Undertakings importing electronic cigarettes or refill containers or electronic cigarettes and refill containers into Estonia for transfer or undertakings manufacturing these in Estonia are required to submit annually to the Health Board the following information:
1) data on sales volumes, by brand name and type of the product;
2) information on the product preferences of various consumer groups, including young people, non-smokers and current users;
3) the mode of sale of the products concerned;
4) executive summaries of any market surveys carried out in respect of the above, including an English translation thereof.

(3) Undertakings importing electronic cigarettes or refill containers or electronic cigarettes and refill containers into Estonia for transfer or undertakings manufacturing these in Estonia are required to establish and maintain a system for collecting information about all of the suspected adverse effects on human health of these products.

(4) If an undertaking importing electronic cigarettes or refill containers or electronic cigarettes and refill containers into Estonia for transfer or an undertaking manufacturing these in Estonia considers or has reason to believe that electronic cigarettes or refill containers or both, which are in its possession and are placed on the market or are intended to be placed on the market, are not safe or are not of good quality or are otherwise not in conformity with this Act, that undertaking shall immediately take the corrective action necessary to bring the product concerned into conformity with this Act, to withdraw or to recall it, as appropriate. In such case the undertaking shall also be required to immediately inform the market surveillance authorities of other Member States in which the product is made available or is intended to be made available, giving details, in particular, of the risk to human health and safety and of any corrective action taken, and of the results of such corrective action.

(5) The Health Board may also request additional information from the undertaking, for example on the safety and quality aspects or any adverse effects of electronic cigarettes or refill containers or both.

(6) If the Health Board ascertains or has reasonable grounds to believe that specific electronic cigarettes or refill containers or both, or a type of electronic cigarette or refill container or both, could present a serious risk to human health, it may take appropriate provisional measures and shall immediately inform the European Commission and the competent authorities of other Member States thereof. The European Commission shall determine, after having received that information, whether the provisional measure is justified and shall inform the Health Board to enable it to take appropriate follow-up measures, if necessary.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 10[3]. Notification of ingredients of herbal products for smoking

(1) Undertakings importing herbal products for smoking into Estonia for transfer or undertakings manufacturing herbal products for smoking in Estonia shall submit to the Health Board a notification in electronic form concerning the ingredients, and quantities thereof that are used in the manufacture of such products by brand name and type.

(2) If the composition of a product is modified, the information specified in subsection (1) of this section shall be submitted to the Health Board prior to the placing on the market of the product.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

Division 2
Requirements for Packaging of Tobacco Products

§ 11. General requirements for packaging of tobacco products

(1) The shape and labelling of the packaging of tobacco products shall not mislead the consumer with regard to the contents of the packaging or resemble that of a food or a cosmetic product.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(2) The labelling of the packaging of tobacco products shall not include information or use any text or image that:
1) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions;
2) includes information about the nicotine, tar or carbon monoxide content of the tobacco product;

3) misleadingly suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
4) refers to taste, smell, any flavourings or other additives or the absence thereof;
5) suggests that a certain tobacco product has improved biodegradability or other environmental advantages;
6) suggests economic advantages;
7) includes printed vouchers, offering discounts, free distribution, two-for-one or other similar offers.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(3) The manufacturer's lot code shall be visible on the packaging of tobacco products without opening the packaging and shall be clearly distinguishable given ordinary attention.

(4) It is prohibited to print the labelling on a transparent wrapper used for the packaging of tobacco products.

(5) The sales packaging of cigarettes shall have a cuboid shape. The sales packaging of smoking tobacco shall have a cuboid or cylindrical shape, or the form of a pouch.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(6) The sales packaging of cigarettes may consist of carton or soft material. The sales packaging shall not have an opening that can be re-closed or re-sealed after it is first opened, other than the flip-top lid and shoulder box with a hinged lid. For packaging with a flip-top lid and hinged lid, the lid shall be hinged only at the back of the sales packaging.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(7) The requirements provided for in clauses (2) 1)-7) of this Act shall also apply to publications added inside the packaging of tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 12. Labelling of packaging of tobacco products

(1) The following shall be printed on the sales packaging and grouped packaging of tobacco products:
1) health warnings;
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]
2) the type, brand and number of pieces or quantity in grams of the tobacco products;
3) [repealed - RT I, 08.03.2016, 1 - entry into force 20.05.2016]
4) absence of a filter (in the case of unfiltered cigarettes if absence of a filter is not reflected in the brand);
5) the manufacturer's lot code.

(2) [Repealed - RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(3) Subsection (1) of this section does not apply to the grouped packaging of cigarettes if it is only a transparent wrapper.

(4) In the case of several grouped packagings of tobacco products, subsection (1) of this section only applies to the grouped packaging directly covering the sales packaging.

(5) Information specified in subsection (1) of this section may be affixed on the sales packaging and grouped packaging of cigars, cigarillos or smoking tobacco, except for roll-your-own tobacco, by means of stickers. Use of stickers is mandatory if the grouped packaging of the aforementioned tobacco products is only a transparent wrapper. Stickers shall be affixed in a manner that prevents their removal without damaging the packaging. Texts on stickers shall be durable.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 13. Health warnings regarding tobacco products

[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(1) Health warnings regarding tobacco products are divided into general health warnings, health information messages and combined health warnings.

(2) General health warning is the following text in Estonian:
"Suitsetamine tapab – loobu kohe." [Smoking kills – quit now].

(3) Health information message is the following text in Estonian:
"Tubakasuits sisaldab üle 70 teadaolevalt vähki tekitava aine." [Tobacco smoke contains over 70 substances known to cause cancer.].

(4) The combined health warnings shall contain a text warning in Estonian and a corresponding colour photograph specified in Annex II to Directive 2014/40/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.04.2014, pp. 1–38) (hereinafter *Tobacco Products Directive*) and smoking cessation information which is the following text in Estonian: "Loobumisel leiad abi www.tubakainfo.ee" [Find help to quit smoking at www.tubakainfo.ee].

(5) The combined health warnings contain the following text warnings in Estonian:
1) "Suitsetamine põhjustab igast kümnest kopsuvähijuhtumist üheksa." [Smoking causes 9 out of 10 lung cancers.];
2) "Suitsetamine põhjustab suu- ja kurguvähki." [Smoking causes mouth and throat cancer.];
3) "Suitsetamine rikub kopse." [Smoking damages your lungs.];
4) "Suitsetamine põhjustab südamerabandust." [Smoking causes heart attacks.];
5) "Suitsetamine põhjustab ajurabandust ja invaliidsust." [Smoking causes strokes and disability.];
6) "Suitsetamine ummistab veresooni." [Smoking clogs your arteries.];
7) "Suitsetamine suurendab nägemise kaotuse riski." [Smoking increases the risk of blindness.];
8) "Suitsetamine kahjustab hambaid ja igemeid." [Smoking damages your teeth and gums.];
9) "Suitsetamine võib tappa su lapse juba emaüsas." [Smoking can kill your unborn child.];
10) "Suitsetades kahjustad sa oma lapsi, pereliikmeid ja sõpru." [Your smoke harms your children, family and friends.];
11) "Suitsetajate lastest saavad suurema tõenäosusega ka suitsetajad." [Smokers' children are more likely to start smoking.];
12) "Loobu juba täna – jää ellu oma lähedaste heaks." [Quit smoking – stay alive for those close to you.];
13) "Suitsetamine vähendab viljakust." [Smoking reduces fertility.];
14) "Suitsetamine suurendab impotentsusriski." [Smoking increases the risk of impotence.].

(6) The combined health warnings are grouped into three sets as set out in Annex II to the Tobacco Products Directive and each set shall be used in a given year and rotated regularly on an annual basis.

(7) The combined health warnings specified in subsection (4) of this section from the set of combined health warnings used in the given year shall appear on the most visible surface and the other most visible surface of the sales packaging of cigarettes and smoking tobacco and the grouped packaging directly covering the sales packaging and the warnings are rotated regularly.

(8) The general health warning specified in subsection (2) of this section and the health information message specified in subsection (3) of this section shall appear on the side of the sales packaging of cigarettes and smoking tobacco and the grouped packaging directly covering the sales packaging.

(9) The general health warning specified in subsection (2) of this section and smoking cessation information which is the following text in Estonian: "Loobumisel leiad abi www.tubakainfo.ee" [Find help to quit smoking at www.tubakainfo.ee] shall appear on the most visible surface of the sales packaging of cigars and cigarillos and the grouped packaging directly covering the sales packaging. The text warnings of the combined health warnings specified in subsection (5) of this section which are rotated regularly shall appear on the other most visible surface of the sales packaging and the grouped packaging directly covering the sales packaging.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 14. Health warning regarding smokeless tobacco products

[Repealed - RT I, 12.03.2015, 7 - entry into force 01.01.2016]

§ 15. Information concerning tar, nicotine and carbon monoxide yields of cigarettes

[Repealed - RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 16. Position of health warnings
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(1) The combined health warning shall appear on the sales packaging of cigarettes and smoking tobacco and the grouped packaging directly covering the sales packaging at the top edge on the most visible surface and the other most visible surface parallel to the top edge of the packaging in the same direction as any other information appearing on that surface.
[RT I, 08.03.2016, 1 - entry into force 20.05.2019]

(1) The combined health warnings shall appear on the sales packaging of cigarettes and smoking tobacco and the grouped packaging directly covering the sales packaging:
1) at the top edge of the most visible surface of the packaging made of carton material in the same direction as any other information appearing on that surface and at the top edge of the other most visible surface directly below the tax stamp in the same direction as any other information appearing on that surface, and brand names or logos shall not be positioned above the health warnings;
2) at the top edge of the packaging made of soft material directly below the tax stamp but not exceeding 13 mm from the top edge of the packaging in the same direction as any other information appearing on that surface.

(2) The combined health warnings shall cover 65 per cent of the corresponding external surface of the packaging. Cylindrical packaging shall display two combined health warnings, equidistant from each other, each covering 65 per cent of their respective half of the curved surface.

(3) The minimum dimensions of combined health warnings in the case of the sales packaging of cigarettes are the following:
1) height not less than 44 mm;
2) width not less than 52 mm.

(4) The general health warning and the health information message shall appear on the bottom part of the lateral surface of the sales packaging of cigarettes and smoking tobacco and the grouped packaging directly covering the sales packaging, and it shall cover 50 per cent of the lateral surface. The specified health warnings shall have a width of not less than 20 mm.

(5) For packaging in the form of a shoulder box with a hinged lid that result in the lateral surfaces being split into two when the packaging is open, the general health warning and the health information message shall appear in their entirety on the larger parts of those split surfaces or on the inside of the top surface that is visible when the packaging is open. The lateral surfaces of this type of packaging shall have a height of not less than 16 mm.

(6) For packaging in the form of a pouch, the general health warning and the health information message shall appear on the surface such that the full visibility of the health warnings is ensured.

(7) For cylindrical packaging, the general health warning shall appear on the outside surface of the lid and the health information message on the inside surface of the lid.

(8) The general health warning which appears on the most visible surface of the sales packaging of cigars and cigarillos and the grouped packaging directly covering the sales packaging shall cover 30 per cent of the respective outside surface of the packaging and the text warning which appears on the other most visible surface shall cover 40 per cent of the respective outside surface of the packaging.

(9) If the most visible surface of the sales packaging of cigars and cigarillos or the grouped packaging directly covering the sales packaging exceeds 150 cm^2, the general health warning or the text warning shall cover 45 $cm^2$of the surface.

(10) The general health warning, the health information message and the combined health warnings shall be positioned such that the opening of the packaging does not make the text illegible, incomprehensible or distorted and the text is not hidden or interrupted by tax stamps, price marks, security features, wrappers, jackets, boxes, or other items.

(11) The general health warning and the health information message shall be printed:
1) centred on the white background;
2) in black;
3) in Helvetica bold type;
4) using the point size of the font which is such as to occupy the greatest possible proportion of the white background set aside for the text required.

(12) The general health warning, the health information message and the combined health warnings shall be surrounded by a black border of a width of 1 mm inside the surface area that is reserved for these warnings, except for the general health warnings and text warnings of cigars and cigarillos, in the case of which the white background is surrounded by a black border of a width of not less than 3 mm and not more than 4 mm. The border is not included in the white background and it shall in no way interfere with the text of the warning or information given on the white background.

(13) The layout, shape and design of combined health warnings shall comply with the requirements for various product packaging concerning their shape, technical specifications and other features, the European Union law, and implementing acts such as Commission Implementing Decision (EU) 2015/1842 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking (OJ L 267, 14.10.2015, pp. 5–10) and Commission Implementing Decision (EU) 2015/1735 on the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches (OJ L 252, 29.09.2015, pp. 49–55).
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 16[1]. Labelling of herbal products for smoking

(1) The sales packaging of herbal products for smoking and the grouped packaging directly covering the sales packaging shall comply with the requirements provided for in subsections 11 (1) and (2) of this Act.

(2) The following health warning shall appear on the front and back external surface of each sales packaging of herbal products for smoking and the grouped packaging directly covering the sales packaging:
“Selle toote suitsetamine kahjustab sinu tervist.” [Smoking this product damages your health.].

(3) The health warning of herbal products for smoking shall comply with the requirements provided for in 16 (11) of this Act and cover 30 per cent of the corresponding external surface of the packaging.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 16[2]. Labelling of electronic cigarettes

(1) Pre-filled electronic cigarettes and refill containers shall comply with the conditions provided for in subsections 11 (1) and (2), except for clauses (2) 1) and 2), of this Act, and the following information shall appear on each sales packaging and the grouped packaging directly covering the sales packaging:
1) a list of the ingredients contained in the product in descending order of the weight;
2) an indication of the nicotine content of the product and the delivery per dose;
3) the batch number;
4) a recommendation to keep the product out of reach of children.

(2) The following health warning shall appear on the front and back external surface of each sales packaging of nicotine-containing pre-filled electronic cigarettes and refill containers and the grouped packaging directly covering the sales packaging: “See toode sisaldab nikotiini, mis on kergesti sõltuvust tekitav aine.” [This product contains nicotine which is a highly addictive substance.].

(3) The health warning of nicotine-containing pre-filled electronic cigarettes and refill containers shall cover at least 30 per cent of the corresponding external surface of the packaging and comply with the requirements provided for in subsection 16 (11) of this Act.

(4) The sales packaging of pre-filled electronic cigarettes and refill containers shall include a leaflet with information on:
1) instructions for use and storage of the product, including a reference that the product is not recommended for use by non-smokers;
2) contra-indications;
3) warnings for specific risk groups;
4) possible adverse effects;
5) addictiveness and toxicity;
6) contact details of the undertaking importing these products into Estonia for transfer or the undertaking manufacturing tobacco products in Estonia.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 17. Quantity of tobacco products and products related to tobacco products in sales packaging

[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(1) A sales packaging of cigarettes shall contain not less than 20 cigarettes.

(2) A sales packaging of smoking tobacco shall contain tobacco weighing not less than 30 g.

(3) Nicotine-containing disposable electronic cigarettes and single use cartridges or tanks shall not exceed a volume of 2 ml.

(4) Nicotine-containing refill containers of electronic cigarettes shall not exceed a volume of 10 ml.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

Chapter 3
REQUIREMENTS FOR HANDLING OF TOBACCO PRODUCTS AND PRODUCTS RELATED TO TOBACCO PRODUCTS

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 18. Notification obligation

(1) A notice of economic activities shall be submitted for engaging in the sale of tobacco products in the following areas of activity:
1) retail trade;
2) wholesale trade;
3) catering.

(1[1]) A notice of economic activities shall not be submitted for the sale of tobacco products at a public event.

[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(2) In addition to the provisions of the General Part of the Economic Activities Code Act, the notice of economic activities shall set out the following information:
1) goods to be sold (tobacco products) and information concerning the import or export of tobacco products for the purposes of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;
2) the place or places of business (determination and name of the place of business, and, in the case of e-commerce, the website address).
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(3) The notification obligation provided for in this section shall be performed through the Estonian information portal or a notary.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014; subsection (3) is applied as of 1 July 2016]

(4) If the notice specified in subsection 58 (1) of the General Part of the Economic Activities Code Act is not submitted through the Estonian information portal, it shall be submitted to the local government of the registered office of the undertaking which shall enter the information contained in the notice in the register of economic activities.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014; subsection (4) is applied until 1 July 2016]

(5) The obligation to submit a notice of economic activities shall also apply to products related to tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 19. Transfer of tobacco products and products related to tobacco products in execution or bankruptcy proceedings

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(1) A bailiff or a trustee in bankruptcy may transfer conforming tobacco products and products related to tobacco products which have been seized or belong to the bankruptcy estate in execution or bankruptcy proceedings to a person who has the right to engage in the wholesale or retail trade in tobacco products and products related to tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(2) In the case specified in subsection (1) of this section, all the requirements established by this Act for undertakings engaged in wholesale trade apply to bailiffs or trustees in bankruptcy, except the provisions of subsection 18 (1) of this Act.

§ 20. Settlement upon wholesale trade in tobacco products and products related to tobacco products

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
Upon wholesale trade in tobacco products and products related to tobacco products, payment for tobacco products and products related to tobacco products shall be made by way of non-cash settlement.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 21. Special requirements for documents accompanying goods

Documents accompanying tobacco products, including internal accompanying documents, shall set out:
1) the manufacturer’s lot code of the tobacco products;
2) in the case of cigarettes, the maximum retail price.

§ 22. Prohibitions upon retail trade in tobacco products and products related to tobacco products

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(1) Retail trade in tobacco products and products related to tobacco products is prohibited on sales premises located on the premises of the following institutions or their designated territories:
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]
1) children’s social welfare institutions;
2) pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, open youth centres or permanent youth camps and youth project camps;
[RT I 2010, 44, 262 - entry into force 01.09.2010]
3) hospitals.

(2) Retail trade in tobacco products and products related to tobacco products is prohibited:
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]
1) in peddling;

2) from automatic vending machines;
3) in street or market trading for the purposes of § 17 of the Trading Act;
4) in pharmacies;
5) in excise warehouses;
6) via cross-border distance sale.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(3) It is prohibited to trade in tobacco products and alternative tobacco products within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act by the piece, out of open sales packages or by weight, except:
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]
1) out of the open sales packaging upon retail trade in cigars on the condition that cigars are packaged one by one and each cigar is separately revenue stamped;
2) out of the open sales packaging upon retail trade in cigars in catering establishments on the condition that cigars originate from a conforming sales packaging and that the packaging is located on the sales premises;
3) out of the open sales packaging upon retail trade in waterpipe tobacco in catering establishments or on the sales premises of public events for consumption on the premises on the condition that the waterpipe tobacco originates from a conforming sales packaging and that the packaging is located on the sales premises.

(4) It is prohibited to trade in tobacco products and other products which are in the same packaging.

(5) Upon retail trade in cigarettes, cigars and cigarillos, it is prohibited to apply measures the purposeful or possible result of which is excess of the maximum retail price of the cigarettes, cigars or cigarillos.
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

(6) A seller shall not grant use of a mouthpiece of a waterpipe which has already been used.

§ 23. Obligation of undertaking to cooperate

(1) An undertaking which conducts retail trade in tobacco products in a shop, mobile shop, stands or on the sales premises of a public event shall:
1) accept publications approved by the Ministry of Social Affairs which are prescribed for distribution without charge in order to reduce the consumption of tobacco products from a representative of a state or local government authority, a non-profit association or foundation which promotes the idea to reduce the consumption of tobacco products;
2) display the publications specified in clause 1) of this subsection in the vision range or within the reach of consumers on the premises where tobacco products are offered for sale.

(2) An undertaking may demand from representatives of a state or local government authority, a non-profit association or foundation which promote the idea to reduce the consumption of tobacco products that the representatives provide proof as regards their identity, prove their authorisations and that the publications which they wish to deliver are approved by the Ministry of Social Affairs and, upon absence of proof, refuse acceptance of the publications.

§ 24. Restriction on handling of smokeless tobacco products

(1) Handling of smokeless tobacco products is prohibited, except storage of smokeless tobacco products on board a ship operated for commercial purposes which leaves to or from a country where the sale of smokeless tobacco products stored on the ship is permitted.
[RT I, 12.03.2015, 7 - entry into force 01.05.2015]

(2) [Repealed - RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(3) [Repealed - RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(4) [Repealed - RT I, 09.01.2018, 1 - entry into force 19.01.2018]

Chapter 4
RESTRICTION ON SPONSORSHIP AND BAN ON PROMOTION OF TOBACCO PRODUCTS AND PRODUCTS RELATED TO TOBACCO PRODUCTS

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 25. Restriction on sponsorship and sponsor’s announcements

(1) It is prohibited to sponsor persons or activities not connected with the handling of tobacco products or products related to tobacco products, i.e. grant material support in any manner, if the objective of the activity is to promote the sale or consumption of specific tobacco products or products related to tobacco products.

(2) If the handler of tobacco products or products related to tobacco products is a sponsor, information on the sponsor or the material support granted thereby may be disclosed in connection with the sponsorship.

(3) The handler of tobacco products or products related to tobacco products may disclose a brand in a manner which does not refer to the tobacco products or products related to tobacco products or the consumption thereof.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

§ 26. Ban on promotion of tobacco products

(1) It is prohibited to engage in activities directed at the public which means offer of tobacco products or related products or services to consumers without charge or at a price which is significantly lower than the maximum possible retail price of the tobacco products or distribution of gifts or organisation of consumer competitions, games or lotteries to promote sales (hereinafter *promotion*) in order to increase the sale of tobacco products.

(2) For the purposes of this Act, the following is not deemed to be promotion:
1) trade information provided on the sales premises of tobacco products for the purposes of § 10 of the Trading Act, including the names of the tobacco products by trade marks and information on the relevant characteristics of the tobacco products;
2) marking of the place of business of the handler of tobacco products, including marking of the place of business of the handler with trade marks owned or used by the handler;
3) the price formation of tobacco products and publication of information thereon on the sales premises of tobacco products;
4) communication of information on tobacco products or related information in a specialist publication directed at handlers of tobacco products or provision of information on tobacco products at a speciality exhibition or exposition directed at handlers of tobacco products or during other appropriate events;
5) any communication and activities between the handlers of different tobacco products which are related to trade in tobacco products.

Chapter 5
PROHIBITIONS AND RESTRICTIONS ON CONSUMPTION OF TOBACCO PRODUCTS AND PRODUCTS RELATED TO TOBACCO PRODUCTS

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

Division 1
Prohibition Applied with regard to Minors and Measures to Enforce Prohibition

§ 27. Prohibition applied with regard to minors

(1) A person of less than 18 years of age (hereinafter *minor*) is prohibited from smoking, consuming smokeless tobacco products and products used similarly to tobacco products.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(2) Minors are not allowed to stay in smoking rooms.
[RT I, 08.03.2016, 1 - entry into force 01.06.2017]

§ 28. Measures to enforce prohibition applied with regard to minors

(1) Minors are prohibited from acquiring, owning and possessing tobacco products, products intended for consuming tobacco products, products used similarly to tobacco products or components thereof.

(2) It is prohibited to sell and offer for sale to minors tobacco products, products intended for consuming tobacco products, products the shape of which is similar to tobacco products, products used similarly to tobacco products or components thereof. In order to comply with the prohibition, a seller is obligated to demand that the buyer present an identity document and the right to refuse to sell the products listed in the previous sentence if the buyer fails to present such document.

(3) When selling tobacco products, products intended for consuming tobacco products, products the shape of which is similar to tobacco products, products used similarly to tobacco products or components thereof the seller shall identify the age of the buyer on the basis of an identity document. The seller is not required to

identify the age of the buyer on the basis of an identity document if it is patently obvious that the buyer is an adult or if the buyer is an adult whose person is known to the seller.

(4) The seller is prohibited from selling tobacco products, products intended for consuming tobacco products, products the shape of which is similar to tobacco products, products used similarly to tobacco products or components thereof if it is not patently obvious based on external observation and it is not known to the seller that the buyer is an adult and the buyer fails to present an identity document in cases provided for in subsection (3) of this section.

(5) Adults are prohibited from buying, offering and handing over to minors tobacco products, products intended for consuming tobacco products, products used similarly to tobacco products or components thereof.

(6) It is prohibited to employ minors for work related to the handling of tobacco products, products intended for consuming tobacco products, products used similarly to tobacco products or components thereof.

(7) If tobacco products, products intended for consuming tobacco products, products used similarly to tobacco products or components thereof form a part of an estate that has been transferred to the ownership of a minor, the legal representative of the minor shall ensure that such products do not come in direct possession of the minor.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

Division 2
Places where Smoking is Prohibited and Places where Smoking is Allowed

§ 29. Places where smoking is prohibited

(1) Smoking is prohibited:
1) on the premises of children's social welfare institutions and their designated territories;
2) on the premises of pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, open youth centres or permanent youth camps and youth project camps, and their designated territories;
[RT I 2010, 44, 262 - entry into force 01.09.2010]
3) on the premises of pharmacies;
4) on industrial premises and in warehouses of enterprises;
5) in sales areas of shops and mobile shops;
6) in catering establishments, except in rooms provided for in subsection 31 (1) of this Act;
7) in enterprises where services specified in clause 3 (2) 4) of the Trading Act or other services are offered, on premises open for clients (except in accommodation establishments);
8) in a space intended for sports;
9) in changing rooms and lavatories if not in private use;
10) in public transport shelters, passenger waiting rooms and passenger terminals;
11) in vehicles used for the provision of passenger service, except in vehicles specified in clause 30 (2) 6) of this Act;
12) in the immediate vicinity of tanker vessels, petrol storage tanks or petrol pumps;
13) in the vicinity of flammable or combustible chemicals, at a site with flammable or combustible areas, places where dangerous goods are loaded, in the vicinity of consignments ready to be loaded, near standing transport units and in transport units;
14) in the territory of an explosive substances store, at a distance of up to twenty metres from the place where explosive substances are stored on board a ship, in the rooms of a pyrotechnic articles store or in the vicinity of ammunition containing explosive substances;
15) in the workings of a mine, lamp rooms and battery-charging rooms and at a distance of up to twenty metres from a portal;
16) upon loading of cartridges in the vicinity of propellant, in weapons magazines, weapons stores and weapons rooms;
17) in forests and other areas covered with vegetation during a fire hazard period;
18) in pedestrian tunnels;
19) corridors and stairwells of apartment buildings, and other rooms which are in common use in apartment buildings;
20) in other places prescribed by legislation.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(2) The prohibition provided for in subsection (1) of this section shall apply to electronic cigarettes and clauses (1) 1) and 2) shall also apply to other products used similarly to tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 30. Places where smoking is restricted

(1) In the cases not specified in § 29 of this Act, the possessor of premises or a designated territory shall, at the discretion thereof, decide whether smoking is allowed on the premises or the designated territory, taking account of subsections (3) and (4) of this section and § 31 of this Act.

(2) In the following places, smoking is allowed only in a smoking room:
[RT I, 08.03.2016, 1 - entry into force 01.06.2017]
1) the premises of state and local government authorities;
2) the premises of institutions of higher education;
3) the premises of cultural institutions;
4) the premises of recreation centres;
5) the premises of agencies or enterprises providing health services;
6) local trains, long-distance trains and passenger ships;
7) rooms where a game of chance, betting or a totalizator is organised;
8) the office premises and other public premises of enterprises;
9) sports halls and sports facilities and recreational facilities.

(3) A smoking room is a room located in a building or a vehicle to which the following requirements apply:
1) the room is designated with verbal information which permits smoking or with a corresponding symbol, and information in Estonian stating that minors are not allowed to stay in smoking rooms in a visible place and in reasonable size;
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]
2) information "Suitsetamine kahjustab tervist!" [Smoking harms health!] is displayed in the room in Estonian in a visible place and in reasonable size;
3) the room is negatively pressurised;
4) air outflow in the room is not less than 8.4 litres per second per square metre, and if the room is not used, the air outflow may be reduced to 25 per cent of the normal air exchange;
5) the air outflow ventilation system is separate and continuous or connected to other continuously operating air outflow systems by a separate duct.

(4) [Repealed - RT I, 08.03.2016, 1 - entry into force 01.06.2017]

(5) The restrictions provided for in subsection (2) of this section shall apply to the consumption of electronic cigarettes.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 31. Smoking in catering establishments

(1) It is allowed to smoke in a catering establishment only in smoking rooms prescribed for smoking or in the immediate vicinity of the sales premises of the catering establishment on a seasonal extension located outdoors.

(2) Catering, where food is sold together with its preparation and serving or just its serving for consumption on the premises shall not be provided in a smoking room specified in subsection (1) of this section.

(3) A seller has the right not to serve any person who ignores the prohibitions and restrictions established regarding smoking in catering establishments and has the right to request that such person leaves.

Division 3
Prohibitions and Restrictions Concerning Transport to Estonia of Tobacco Products and Products Related to Tobacco Products

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 31^{1}. Restriction on transport to Estonia of smokeless tobacco products

(1) A natural person may bring a smokeless tobacco product the handling of which is prohibited into Estonia for non-commercial purposes inside the baggage with which he or she is travelling in the amount of:
1) ten packages maximum from another Member State on the condition that one package contains no more than 50 grams of the product;
2) one package from a third country on the condition that one package contains no more than 50 grams of the product.

(2) A natural person may bring a smokeless tobacco product the handling of which is prohibited from a third country to Estonia for non-commercial purposes inside the baggage with which he or she is travelling upon the first and second arrival in Estonia within one calendar month.

(3) It is prohibited to send smokeless tobacco products to Estonia by post or in another similar way.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 31[2]. Prohibition on transport to Estonia of tobacco products and products related to tobacco products

It is prohibited to bring tobacco products or related products to Estonia through distant sale.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

Chapter 6
STATE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 32. State supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]
State supervision over compliance with the requirements provided by this Act and legislation established on the basis thereof shall be exercised by:
1) the Tax and Customs Board – compliance with the requirements established for tobacco products and products related to tobacco products and the procedure for the handling of such products and compliance with the special requirements applied upon handling of such products as well as compliance with prohibitions and restrictions related to the transport of such products to Estonia according to the functions provided for in the statutes of the Board;
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
2) the Consumer Protection and Technical Regulatory Authority – compliance with the requirements established for tobacco products and products related to tobacco products and the procedure for the handling of such products, compliance with the special requirements applied upon handling of such products and compliance with the requirement to restrict smoking areas and compliance with the requirements established for electronic cigarette devices according to the functions provided for in the statutes of the Authority, and also compliance with the restriction on sponsorship and ban on promotion;
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]
3) rural municipality and city governments – compliance with the requirements related to retail trade in tobacco products and products related to tobacco products and with the prohibitions and restrictions on the consumption of such products within their administrative territory, except compliance with the requirements established for smoking rooms;
4) the Health Board – compliance with the requirements established for notification of the ingredients of tobacco products and products related to tobacco products, notification of certain additives entered in the priority list and notification of novel tobacco products and compliance with the requirements established for smoking rooms according to the functions provided for in the statutes of the Board;
[RT I, 28.06.2016, 3 - entry into force 01.06.2017]
5) [repealed -RT I, 12.12.2018, 3 - entry into force 01.01.2019]
6) police officers – compliance with the prohibition and restrictions on consumption of tobacco products and products related to tobacco products applied with regard to minors.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

§ 33. Special state supervision measures

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Law enforcement authorities may apply the special state supervision measures provided for in §§ 30, 31, 32, 44, 49, 50, 51 and 52 of the Law Enforcement Act for exercising the state supervision provided for in this Act on the basis of and pursuant to the procedure provided by the Law Enforcement Act.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(2) In order to exercise state supervision, the Tax and Customs Board may, in addition to the special measures specified in subsection (1) of this section, apply the specific measure provided for in § 45 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

(3) In order to exercise state supervision, police officers may, in addition to the special measures specified in subsection (1) of this section, apply the specific measures provided for in §§ 47 and 48 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) In exercising state supervision, the Tax and Customs Board may apply direct coercion on the basis of and pursuant to the procedure provided by the Law Enforcement Act.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

§ 33[1]. Specifications for state supervision

(1) The Tax and Customs Board, the Consumer Protection and Technical Regulatory Authority and rural municipality and city governments may only enter, on the conditions provided for in §§ 49 and 50 of the Law Enforcement Act, the premises of a handler of tobacco products and products related to tobacco products and open the means of transport of a handler of tobacco products in the presence of the handler or a representative thereof.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(2) Law enforcement authorities have the right to:
1) seal storage facilities of tobacco products and products related to tobacco products which may be subject to confiscation;
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
2) if tobacco products and products related to tobacco products which may be subject to confiscation are discovered in a motor vehicle or a trailer attached to a motor vehicle, direct the motor vehicle to the nearest location where the confiscated tobacco products and products related to tobacco products can be stored in order to unload the tobacco products and products related to tobacco products.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(3) Law enforcement authorities have the right to take samples from tobacco products and products related to tobacco products and, if necessary, order an expert assessment. The costs of the expert assessment shall be borne by the law enforcement authority. If it is established that the tobacco products and products related to tobacco products do not comply with the requirements, the undertaking shall compensate for the documented costs of the expert assessment.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(4) Upon application of the special state supervision measure provided for in § 52 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act, police officers have the right to hand tobacco products and products related to tobacco products taken into storage over to a legal representative of a minor.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 33[2]. Monitoring compliance with requirements by means of transaction for the purpose of monitoring compliance

(1) If the special state supervision measure provided for in § 33 of this Act does not enable or makes it especially complicated to conduct supervision over compliance with the requirements for trading in tobacco products or products related to tobacco products, but it is necessary for the purpose of ascertaining or averting danger or elimination of a violation, the law enforcement authority specified in clause 32 1) may, as a special state supervision measure, make a transaction for the purpose of monitoring compliance.

(2) If the special state supervision measure provided for in § 33 of this Act does not enable or makes it especially complicated to conduct supervision over compliance with the requirements provided for in subsections 28 (2)-(5), but it is necessary for the purpose of ascertaining or averting danger or elimination of a violation, the law enforcement authority specified in clause 32 6) may, as a special state supervision measure, make a transaction for the purpose of monitoring compliance.

(3) If needed, a person who is not liable for public order may be recruited to the making of a transaction for the purpose of monitoring compliance provided for in subsection (2) of this section only with the consent of the said person. The person to be recruited must be at least 16 years of age. If the person to be recruited is under 18 years of age, the written consent of their legal representative is required in addition to his or her own consent.

(4) The making of a transaction for the purpose of monitoring compliance shall be decided by the head of the law enforcement authority or an official authorised thereby.

(5) A transaction for the purpose of monitoring compliance is an act with the features of a sales contract or another transaction under the law of obligations the purpose of making of which is to monitor compliance with the requirements established by legislation. An official or recruited person making the transaction for the purpose of monitoring compliance may hide the purpose of the transaction from the person in respect of whom the transaction for the purpose of monitoring compliance is made and from other persons. The official making a transaction for the purpose of monitoring compliance need not introduce himself or herself and need not carry a uniform; the official is under no obligation to present his or her professional certificate prior to achievement of the purpose of the transaction for the purpose of monitoring compliance.

(6) Upon making a transaction for the purpose of monitoring compliance, it is prohibited to conduct surveillance activities, abet a person to commit an offence or commit an act with elements of an offence, it is also prohibited to use a person recruited for secret cooperation for ensuring the making of a transaction for the

purpose of monitoring compliance, simulate a legal person, use an undercover agent or covert measures within the meaning of §§ $7^{51}$and 7^{54}–$7^{57}$of the Police and Border Guard Act.

(7) The law enforcement authority shall notify the person in respect of whom the transaction for the purpose of monitoring compliance was made, immediately after achievement of the purpose of the transaction for the purpose of monitoring compliance, of the fact that a transaction for the purpose of monitoring compliance has been applied to the person. The law enforcement authority may, by a written reasoned decision, postpone the notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made if this is indispensable for continuation of supervision related to the activities of the same person or for monitoring by other persons of compliance with the requirements imposed on the making of such transactions. Notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made shall not be postponed for more than three months starting from the day of making the transaction.

(8) The making of a transaction for the purpose of monitoring compliance shall be recorded in the minutes pursuant to the procedure provided for in § 12 of the Law Enforcement Act. The minutes of the transaction for the purpose of monitoring compliance shall state the decision that served as a basis for the transaction for the purpose of monitoring compliance, officials who have participated in the transaction for the purpose of monitoring compliance and the person in respect of whom the transaction for the purpose of monitoring compliance was made as well as other participants in the proceedings and recruited persons, testimony by the officials concerning the circumstances and results of the transaction for the purpose of monitoring compliance, the description of things and documents transferred or received as a result of the transaction for the purpose of monitoring compliance and testimony, statements and opinions by other participants in the proceedings and persons recruited in the proceedings. If notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made is postponed on the basis of and pursuant to the procedure provided for in subsection (7) of this section, a reference shall be made in the minutes of the transaction for the purpose of monitoring compliance to the decision on postponement. The minutes shall be served on the person in respect of whom the transaction for the purpose of monitoring compliance was made.

(9) A transaction made in the course of a transaction for the purpose of monitoring compliance is void.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 34. Precepts of supervisory officials

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 35. Penalty payments

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 36. Contestation of precept

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Chapter 7
LIABILITY

§ 37. Failure to give notification of ingredients of tobacco products

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 38. Violation of requirements established for tobacco products

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 39. Violation of procedure for handling of tobacco products and products related to tobacco products

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(1) Trading in tobacco products or products related to tobacco products that are packaged in sales packaging without revenue stamps or not in compliance with other requirements or that are prohibited, or possession, storage or distribution of such tobacco products or products related to tobacco products
is punishable by a fine of up to 300 fine units.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40. Trading in cigarettes, cigars and cigarillos at price higher than prescribed

[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

(1) Retail trade in cigarettes, cigars or cigarillos at a price which is higher than the maximum retail price printed on the revenue stamp attached to the sales packaging of the cigarettes, cigars or cigarillos
is punishable by a fine of up to 300 fine units.
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 41. Violation of special requirements applied upon handling of tobacco products and products related to tobacco products

[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(1) Violation of the special requirements established in this Act concerning the handling of tobacco products or products related to tobacco products
is punishable by a fine of up to 300 fine units.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 42. Violation of restriction on sponsorship

(1) Violation of restriction on sponsorship
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 43. Violation of ban on promotion of tobacco products and products related to tobacco products

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(1) Violation of ban on promotion of tobacco products or products related to tobacco products
is punishable by a fine of up to 300 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 44. Inducing minor to consume tobacco products and products related to tobacco products

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
An adult who by inducement, threat or any other act influences a minor in order to cause him or her to commence or increase the consumption of tobacco products or products related to tobacco products or not to give up the consumption of tobacco products or products related to tobacco products
is punishable by a fine of up to 300 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 45. Violation of age limit upon handling of tobacco products and products related to tobacco products

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(1) Violation of age limit upon handling of tobacco products or products related to tobacco products
is punishable by a fine of up to 200 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 46. Purchase, offering or handing over of tobacco products and products related to tobacco products to minors

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
Purchase or offering of tobacco products or products related to tobacco products to minors or handing tobacco products over to minors by an adult person, provided that the necessary elements of a misdemeanour provided for in § 44 or 45 of this Act do not exist,
is punishable by a fine of up to 100 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 47. Consumption of tobacco products by minors

Smoking by a minor or consumption of a smokeless tobacco product or product used similarly to tobacco product by a minor
is punishable by a fine of up to 10 fine units.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

§ 48. Acquisition or possession of tobacco products by minor

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 49. Smoking or consumption of products used similarly to tobacco products in area where smoking is prohibited

[RT I, 09.01.2018, 1 - entry into force 19.01.2018]
Smoking or consumption of products used similarly to tobacco products in an area where smoking or consumption of products used similarly to tobacco products is prohibited
is punishable by a fine of up to 20 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 50. Violation of requirement to restrict smoking areas

(1) Granting permission to smoke or consume products used similarly to tobacco products in an area where smoking or consumption of products used similarly to tobacco products is prohibited by law and violation of the requirements established for smoking rooms
is punishable by a fine of up to 200 fine units.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 50[1]. Misdemeanours in which proceedings are conducted by way of alternative proceedings and applicable deterrent fine rates

(1) Upon initiation of misdemeanour procedures, the body conducting extra-judicial proceedings shall apply alternative proceedings in the case of necessary elements of a misdemeanour provided for in § 49 of this Act.

(2) A deterrent fine in the amount of 20 euros shall be imposed in the case of a misdemeanour provided for in subsection (1) of this section.
[RT I, 31.05.2018, 1 - entry into force 01.01.2019]

§ 51. Proceedings

(1) A rural municipality or city government shall conduct extra-judicial proceedings concerning the misdemeanours specified in §§ 39–50 of this Act.

(2) The Tax and Customs Board shall conduct extra-judicial proceedings concerning the misdemeanours specified in §§ 39–41 of this Act.

(3) The Police and Border Guard Board shall conduct extra-judicial proceedings concerning the misdemeanours specified in §§ 39–41 and 44–50 of this Act.

(4) The Health Board shall conduct extra-judicial proceedings concerning the misdemeanour specified in § 50 of this Act regarding requirements established for smoking rooms.
[RT I, 08.03.2016, 1 - entry into force 01.06.2017]

(5) Extra-judicial proceedings concerning the misdemeanours specified in §§ 39-43 and 50 of this Act shall be conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(6) A court, the Tax and Customs Board or the Police and Border Guard Board shall apply confiscation of an object which was the direct object of the commission of a misdemeanour provided for in § 39 of this Act.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 52. Acts performed with confiscated tobacco products and products related to tobacco products

[RT I, 16.06.2017, 73 - entry into force 01.01.2018]
Confiscated tobacco products and products related to tobacco products shall be destroyed pursuant to the procedure established in the Customs Act or the Code of Misdemeanour Procedure.
[RT I, 16.06.2017, 73 - entry into force 01.01.2018]

Chapter 8
IMPLEMENTING PROVISIONS

Division 1
Implementation of Act

§ 53. Transitional provisions

(1) Retail trade and wholesale trade in cigarettes which comply with the requirements established for tobacco products and their sales packaging and the grouped packaging directly covering the sales packaging by the Tobacco Act which is repealed is permitted during one year after the entry into force of this Act. Retail trade and wholesale trade in cigars, cigarillos, smoking tobacco and chewing tobacco which comply with the requirements established for tobacco products and their sales packaging and the grouped packaging directly covering the sales packaging by the Tobacco Act which is repealed is permitted during two years after the entry into force of this Act.

(2) Activity licences specified in clauses 7 (3) 2) and 3) of the Tobacco Act which is repealed shall be valid, if the activities permitted by the activity licence are not contrary to the provisions of this Act, until the holder of the licence is entered in the register of economic activities as a wholesaler and until a notation is made in the registration in the register concerning the right to engage in wholesale trade in tobacco products and, if necessary, also concerning the right to engage in the import or export of tobacco products but not for longer than the date of expiry indicated on the activity licence.

(3) Subsection 18 (4) of this Act applies until 1 July 2016.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(4) Subsection 18 (3) of this Act applies as of 1 July 2016.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(5) Tobacco products which comply with the requirements in force before 20 May 2016 may be sold until 20 May 2017.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(6) In the case of cigarettes and roll-your-own tobacco with a characterising flavour the European Union-wide sales volumes of which represent at least 3 per cent in a particular product category, subsections 8 (5) and (6) of this Act shall apply from 20 May 2020.
[RT I, 08.03.2016, 1 - entry into force 20.05.2016]

(7) The information required in § 10 of this Act concerning the ingredients of tobacco products or electronic cigarettes and refill containers or electronic cigarettes or refill containers placed on the market before 20 May 2016 shall be submitted to the Health Board by 20 November 2016.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(8) Electronic cigarettes and refill containers placed on the market before 20 November 2016 which do not comply with the requirements of this Act may be sold until 20 May 2017.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(9) Undertakings importing tobacco products into Estonia for transfer or undertakings manufacturing tobacco products in Estonia shall submit to the Health Board information on their sales volumes per brand and type as of 1 January 2015.
[RT I, 28.06.2016, 3 - entry into force 08.07.2016]

(10) The rotation requirement of combined health warnings provided for in subsection 13 (6) of this Act is applied as of 20 May 2017 and the warnings shall start rotating regularly on 1 January of each year starting from 2019.
[RT I, 09.01.2018, 1 - entry into force 19.01.2018]

§ 53[1]. Application of Act to chewing tobacco

Retail trade and wholesale trade in chewing tobacco released for consumption before 1 May 2015 is permitted until 31 December 2015.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

Division 2
Specific Provisions

§ 54. Strategic action plan for tobacco control

(1) The Government of the Republic shall establish a strategic action plan for tobacco control within five months after the entry into force of this Act.

(2) The costs of compliance with the action plan specified in subsection (1) of this section shall be prescribed in the state budget as costs intended for specific purposes.

§ 55. Annual report of minister responsible for the area

[Repealed - RT I, 09.01.2018, 1 - entry into force 19.01.2018]

Division 3
Amendment and Repeal of Acts

§ 56.–§ 58.[Omitted from this text.]

Division 4
Entry into force of Act

§ 59. Entry into force of Act

Subsection 22 (4), §§ 25 and 26, clause 29 6) and subsection 31 (1) of this Act enter into force two years after the date of entry into force of this Act.

[1]Directive 2014/40/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.04.2014, pp. 1–38), amended by Commission Delegated Directive 2014/109/EU (OJ L 360, 17.12.2014, pp. 22–27). [RT I, 09.01.2018, 1 - entry into force 19.01.2018]