Tobacco Act

Passed 04.05.2005  
RT I 2005, 29, 210  
Entry into force 05.06.2005, partially according to § 59.

Amended by the following acts

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Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application 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, restriction on sponsorship and ban on the promotion of tobacco products, prohibition of and restriction on the consumption of 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, 12.03.2015, 7 - entry into force 22.03.2015]

(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 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 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 from 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 2008, 49, 272 - entry into force 01.01.2009]
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 customs control zone;
3) upon the distance sale of tobacco products for the purposes of subsection 21(1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act; [RT I 2008, 49, 272 - entry into force 01.01.2009]
4) to tobacco products which are produced or stored in an excise warehouse for the purpose of their transfer into a foreign state.

(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) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act. [RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(4) The types of smokeless tobacco products include chewing tobacco for the purposes of subsection 16 (5) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act, and any other tobacco product which does not produce smoke when used for its intended purpose. [RT I 2008, 49, 272 - entry into force 01.01.2009]

§ 31. 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.

§ 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” means:
1) the manufacture, processing and packaging of tobacco products (hereinafter manufacture of tobacco products);
2) trading in tobacco products;
3) the possessing, storage or distribution of tobacco products for commercial purposes or in a commercial quantity.

(2) The Alcohol, Tobacco, Fuel and Electricity Excise Duty Act applies upon determination of a quantity of tobacco products possessed by a person as a commercial quantity.

(2.1) A quantity of tobacco products 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.

§ 7. Smoking

For the purposes of this Act, “smoking” means the use of a cigarette, cigar, cigarillo or smoking tobacco for its intended use regardless of whether any and which means are used therefor.

Chapter 2
HANDLING OF TOBACCO PRODUCTS

Division 1
Requirements for Tobacco Products

§ 8. Tar, nicotine and carbon monoxide yields of cigarettes

(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.

§ 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 each year by 10 October to the Ministry of Social Affairs a written report on the ingredients of tobacco products handled thereby during the fourth quarter of the previous year and the first three quarters of the current year and their quantities.

(2) The report specified in subsection (1) of this section shall consist of three lists:

1) a list submitted in the alphabetical order including all ingredients of tobacco products which are added to tobacco and of which tobacco products sold on the Estonian market are manufactured; the list shall set out the maximum quantity of the ingredients on the basis of the maximum quantity used in each brand and the function of the ingredients;

2) a list submitted in descending order of the weight of all ingredients of tobacco products which are contained in the following materials which are used upon manufacture of tobacco products sold on the Estonian market: cigarette paper, side seam adhesive, ink used on cigarette paper, filter overwrap, filtration material and filter adhesive; the list shall set out the maximum quantity of each category on the basis of the maximum quantity used in each brand;

3) a list submitted in descending order of the weight and by brands including ingredients of tobacco products which are used upon manufacture of tobacco products sold on the Estonian market; the list shall specify the used flavourings as a separate type.

(3) The list specified in subsection (1) of this section shall also be accompanied by the toxicological data available to the undertaking 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 any addictive effects.

(4) The information submitted on the basis of subsections (1)–(3) of this section shall be published on the website of the Ministry of Social Affairs by 1 November each year. 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) The Ministry of Social Affairs shall forward the information submitted on the basis of subsections (1)–(3) of this section to the European Commission each year.

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.

(2) Texts, names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others shall not be used on the packaging of tobacco products.

(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.

§ 12. Labelling of packaging of tobacco products

(1) The following shall be printed on the sales packaging and grouped packaging of tobacco products:
1) in the case of smoking tobacco products, an optional general health warning and an optional additional health warning and, in the case of chewing tobacco, a health warning regarding smokeless tobacco products;
2) the type, brand and number of pieces or quantity in grams of the tobacco products;
3) existence of menthol or other flavouring (in the case of cigarettes with flavourings if existence of the corresponding substance is not reflected in the brand);
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) In addition to the provisions of subsection (1) of this section, information concerning the tar, nicotine and carbon monoxide yields of cigarettes shall be printed on the sales packaging of cigarettes.

(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, smoking tobacco or chewing 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.

§ 13. Health warnings regarding smoking tobacco products

(1) Health warnings regarding smoking tobacco products are divided into general health warnings and additional health warnings.

(2) General health warnings are the following texts in Estonian:
1) “Suitsetamine võib tappa.” [Smoking can kill];
2) “Suitsetamine kahjustab sinu ja sind ümbritsevate inimeste tervist.” [Smoking seriously harms you and others around you.]

(3) Additional health warnings are the following texts in Estonian:
1) “Suitsetamine lühendab eluiga.” [Smokers die younger.];
2) “Suitsetamine ahendab artereid ning põhjustab südameinfarktis ja ajurabandust.” [Smoking clogs the arteries and causes heart attacks and strokes.];
3) “Suitsetamine põhjustab kopsvöivõi.” [Smoking causes lung cancer.];
4) “Raseduse ajal suitsetamine kahjustab sinu last.” [Smoking when pregnant harms your baby.];
5) “Kaitse lapse: ära sunni neid hingama tubakasuits.” [Protect children: don't make them breathe your smoke.];
6) “Suitsetamisest loobumiseks saad abi arstilt või apteekril.” [Your doctor or a pharmacist can help you stop smoking.];
7) “Suitsetamistekitab kergesti sõltuvust. Ära alusta!” [Smoking is highly addictive. Don't start.];
8) “Suitsetamisest loobumine vähendab õhtu haigestuda südame- ja kopsuhaigustesse.” [Stopping smoking reduces the risk of heart and lung diseases.];
9) “Suitsetamine võib põhjustada aeglase ja valuliku surma.” [Smoking can cause a slow and painful death.];
10) “Otsi abi suitsetamisest loobumiseks: küsi nõu oma perearstilt või apteekrilt.” [Get help to stop smoking: consult your family physician or a pharmacist.]...
(5) Additional health warnings specified in subsection (3) of this section shall be printed on the sales packaging of smoking tobacco products and on any grouped packaging directly covering the sales packaging, regularly and alternately. Additional health warning shall be printed on the other most visible surface of the sales packaging and on any grouped packaging directly covering the sales packaging. Additional health warnings shall not be printed on the grouped packaging if it is a transparent wrapper.

§ 14. Health warning regarding smokeless tobacco products

(1) The health warning regarding smokeless tobacco products is the following text in Estonian:
“See tubakatoode kahjustab sinu tervist ja tekitab sõltuvust.” [This tobacco product damages your health and is addictive.]

(2) The health warning regarding smokeless tobacco products shall be printed on the most visible surface of the sales packaging and on any grouped packaging directly covering the sales packaging. The health warning shall not be printed on the grouped packaging if it is a transparent wrapper.

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

(1) Information concerning the tar yield of cigarettes shall be expressed in milligrams (rounded to the nearest whole number) as the following text in Estonian: “tõrva ….. mg” [tar ….. mg].

(2) Information concerning the nicotine yield of cigarettes shall be expressed in milligrams (rounded to the nearest decimal) as the following text in Estonian: “nikotiini ….. mg” [nicotine ….. mg].

(3) Information concerning the carbon monoxide yield of cigarettes shall be expressed in milligrams (rounded to the nearest whole number) as the following text in Estonian: “vingugaasi ….. mg” [carbon monoxide ….. mg].

§ 16. Location of health warning and information concerning tar, nicotine and carbon monoxide yields of cigarettes

(1) A general health warning shall be printed on the most visible surface of the sales packaging of smoking tobacco products and of the grouped packaging directly covering the sales packaging, on white background, which shall cover not less than 30 per cent of the external area of the corresponding surface of the packaging.

(2) An additional health warning shall be printed on the other most visible surface of the sales packaging of smoking tobacco products and of the grouped packaging directly covering the sales packaging, on white background, which shall cover not less than 40 per cent of the external area of the corresponding surface of the packaging.

(3) The health warning regarding smokeless tobacco products shall be printed on the most visible surface of the sales packaging of chewing tobacco and of the grouped packaging directly covering the sales packaging, on white background, which shall cover not less than 30 per cent of the external area of the corresponding surface of the packaging.

(4) If the most visible surface of the sales packaging of cigars, cigarillos, smoking tobacco and chewing tobacco or the grouped packaging directly covering the sales packaging exceeds 75 cm\(^2\), the white background on which the health warning is printed shall cover not less than 22.5 cm\(^2\) of the surface.

(5) Information concerning the tar, nicotine and carbon monoxide yields of cigarettes shall be printed on the white background on one of the side surfaces of the sales packaging of the cigarettes and shall cover not less than 10 per cent of the side surface.

(6) Health warnings and information concerning the tar, nicotine and carbon monoxide yields of cigarettes shall be printed:
1) centred on the white background;
2) parallel to the top edge of the packaging, except in the case specified in clause 3) of this subsection;
3) perpendicular to the top edge of the packaging, information concerning the tar, nicotine and carbon monoxide yields of cigarettes on the sales packaging the side surface of which is less than 15 mm wide;
4) in black;
5) in Helvetica bold type;
6) 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.

(7) For health warnings regarding smoking tobacco products and information concerning the tar, nicotine and carbon monoxide yields of cigarettes, the white background is surrounded by a black border not less than 3 mm and not more than 4 mm in width. 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.

(8) Health warnings and information concerning the tar, nicotine and carbon monoxide yields of cigarettes shall be located such that the opening of the packaging does not make the text illegible, incomprehensible or distorted.
§ 17. Number of cigarettes in sales packaging
A sales packaging of cigarettes shall contain not less than 20 cigarettes.

Chapter 3
SPECIAL REQUIREMENTS FOR HANDLING OF TOBACCO PRODUCTS

§ 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') 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]

§ 19. Transfer of tobacco products in execution or bankruptcy proceedings
(1) A bailiff or a trustee in bankruptcy may transfer conforming 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.

(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
Upon wholesale trade in tobacco products, payment for tobacco products shall be made by way of non-cash settlement.

§ 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
(1) Retail trade in tobacco products is prohibited on sales premises located on the premises of the following institutions or their designated territories:
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;
3)  hospitals.

(2) Retail trade in tobacco products is prohibited:
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.

(3) It is prohibited to trade in tobacco products by the piece or out of open sales packaging or by weight, except:
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, it is prohibited to apply measures the purposeful or possible result of which is excess of the maximum retail price of the cigarettes.

(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

It is prohibited to handle smokeless tobacco products other than chewing tobacco.

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

§ 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, i.e. grant material support in any manner, if the objective of the activity is to promote the sale of a specific tobacco product or the consumption of tobacco products.

(2) If the handler of 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 may disclose a brand in a manner which does not refer to the tobacco products or the consumption thereof.

§ 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

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 or smoking areas.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

§ 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 has the right to demand that the buyer present an identity document and refuse to sell the products listed in the previous sentence if the buyer fails to present such document.

(3) 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.

(4) 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.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

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.

(2) It is prohibited to consume products used similarly to tobacco products in the places specified in clauses (1) 1) and 2) of this section.

§ 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 or smoking area:
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) A smoking area is an area located in a building or a vehicle without barriers which has a local ventilation system and to which the following requirements apply:
1) the area 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 areas 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 area in Estonian in a visible place and in reasonable size;
3) an effective ventilation system ensures the movement of air from the smoking area directly into the outdoor environment.

§ 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.

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 the procedure for the handling of tobacco products and compliance with the special requirements applied upon handling of tobacco products according to the functions provided for in the statutes of the Board;
2) the Consumer Protection Board – compliance with the requirements established for tobacco products and the procedure for the handling of tobacco products, compliance with the special requirements applied upon handling of tobacco products and compliance with the requirement to restrict smoking areas according to the functions provided for in the statutes of the Board, and also compliance with the restriction on sponsorship and ban on the promotion of tobacco products;
3) rural municipality and city governments – compliance with the requirements related to retail trade in tobacco products and with the prohibitions and restrictions on the consumption of tobacco products within their administrative territory, except compliance with the requirements established for smoking rooms;
4) the Health Board – compliance with the requirements established for smoking rooms and smoking areas according to the functions provided for in the statutes of the Board;
5) police officers – compliance with the prohibition and restrictions on consumption of tobacco products applied with regard to minors.

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

§ 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.

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

(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. Specifications concerning state supervision

(1) The Tax and Customs Board, the Consumer Protection Board 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 open the means of transport of a handler of tobacco products in the presence of the handler or a representative thereof.

(2) Law enforcement authorities have the right to:
1) seal storage facilities of tobacco products which may be subject to confiscation;
2) if 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 can be stored in order to unload the tobacco products.

(3) Law enforcement authorities have the right to take samples from 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 do not comply with the requirements, the undertaking shall compensate for the documented costs of the expert assessment.

(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 taken into storage over to a legal representative of a minor.

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

§ 34. Precepts of supervisory officials

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

§ 35. Penalty payment

[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 tobacco products

(1) Trading in 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 is punishable by a fine of up to 300 fine units.

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

(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 at price higher than prescribed

(1) Retail trade in cigarettes at a price which is higher than the maximum retail price printed on the revenue stamp attached to the sales packaging of the cigarettes, 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]
§ 41. Violation of special requirements applied upon handling of tobacco products

(1) Violation of the special requirements established in this Act concerning the handling of tobacco products 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]

§ 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

(1) Violation of ban on promotion of tobacco products 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]

§ 44. Inducing minor to consume tobacco products

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 not to give up the consumption of tobacco products is punishable by a fine of up to 300 fine units.

§ 45. Violation of age limit upon handling of tobacco products

(1) Violation of age limit upon handling of 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 is punishable by a fine of up to 200 fine units.
[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(2) The same act if committed by a legal person – is punishable by a fine of up to 2,000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

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

Purchase, offering or handing over to minors of tobacco products, products intended for consuming tobacco products, products used similarly to tobacco products or components thereof by an adult, 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, 12.03.2015, 7 - entry into force 22.03.2015]

§ 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 in area where smoking is prohibited

Smoking in area where smoking is prohibited
§ 50. Violation of requirement to restrict smoking areas

(1) Granting permission to smoke in a place where smoking is prohibited by law and violation of the requirements established for smoking rooms or smoking areas is punishable by a fine of up to 200 fine units.

(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]

§ 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 areas and smoking rooms.

(5) The Consumer Protection Board shall conduct extra-judicial proceedings concerning the misdemeanours specified in §§ 39–43 and 50 of this Act.

(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

Confiscated tobacco products shall be destroyed pursuant to the procedure established in the Customs Act or the Code of Misdemeanour Procedure.

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]
§ 53. 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

(1) Once a year, the minister responsible for the area shall report to the Social Affairs Committee of the Riigikogu on the trends in the consumption of tobacco products and on the applied and planned measures the objective of which is to reduce the consumption of tobacco products.

(2) A report specified in subsection (1) of this section shall be published on the website of the Ministry of Social Affairs.

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.