

E.E. Par. I(I)
No. 3611, 14.6.2002

Law 75(I)/2002

**LAW THAT PROVIDES FOR MEASURES
FOR THE REDUCTION OF SMOKING**

ORDER OF ARTICLES

Article

1. Brief title.
2. Interpretation.
3. Prohibition to provide tobacco to minors.
4. Prohibition to market tobacco products.
5. 3 of 14(I) of 2008. Advertising prohibition.
- 5A. 4 of 14(I) of 2008. Information society services
722386658
6. Offenses and penalties in regard to advertising.
- 6A 6 of 14(I) of 2008. Court petitions by natural or legal persons or organizations.
7. Warning label about the risks of smoking.
8. Obligation of the manufacturer to include warnings on packets.
9. Prohibition to sell tobacco through automatic vending machines.
10. Prohibition of smoking in certain areas.
11. Prohibition of smoking in public use vehicles.
12. Prohibition of smoking in private use vehicles with passengers younger than sixteen years old.
13. Smoking in entertainment venues.
907833337
14. Smoking in work places.
15. Specifications for the concentration of harmful substances in tobacco.
16. Inspection of buildings to ensure compliance with the provisions of the Law.
17. Obstruction of officials in the performance of their duties.
18. Offenses by public law corporate bodies.
19. Regulations.
20. Repeal of Laws.

7 of 14(I) of 2008. APPENDIX

The Law on the Protection of Health (Control of Smoking) of 2002 is issued by publication in the Official Gazette of the Republic of Cyprus pursuant to article 52 of the Constitution.

306510388

Number 75(I) of 2002

**LAW THAT PROVIDES FOR MEASURES
FOR THE REDUCTION OF SMOKING**

The Parliament votes as follows:

Brief title. 40(I) of 2003 37(I) of 2004 14(I) of 2008.	1. The present Law shall hereby be referred to as the Law on the Protection of Health (Control of Smoking) of 2002.
Interpretation.	2. For the purposes of the present Law, unless otherwise derived from the text
82 of 1967 57 of 1969 4 of 1971 45 of 1973 12 of 1977	a "tobacco selling permit" shall mean the license for the marketing or selling or tobacco products which was issued pursuant to the provisions of Part VI of the Laws on Customs and Consumption Taxes of 1967 to 2001.

98 of 1987
 104 of 1987
 5 of 1991
 77(I) of 1998
 14(I) of 1999
 49(I) of 2001.

"minor" means a person with age of less than eighteen years

2(a) of 14(I) of 2008.	"advertising" means any form of commercial announcement with the purpose of or with direct or indirect result the promotion of tobacco products;
2(b) of 14(I) of 2008.	"authorized official" means a member of the Police Force of Cyprus or an official of the Customs Service or a Health Inspector of the Department of Medical Services and Public Health Services of a Health Inspector of a city or improvement council or an official of the Competition and Consumer Protection Service or an Inspector of Employment of the Department of Employment;
	"nicotine" means the alkaloids of nicotine;
	"public use vehicle" means all buses and taxis
	"packet" in regard to the tobacco product means any box, packaging or other container which contains the product and within which the product is intended to be presented for retail sales, excluding any additional wrapping or other container, regardless of whether these are clear or opaque and which may be discarded upon the opening of said containers or wrapping;
	"tobacco manufacturer" means the manufacturer of the tobacco product or the importer of the tobacco product or any person which is presented as the manufacturer by placing their names, addresses, trademarks or other distinctive marks on the product;
	"tar" means the unprocessed, arid and free of nicotine concentrate of tobacco in its natural state;
	"tobacco product for oral use" means all products which are intended for oral use, excluding the products intended for smoking or chewing, and which consist of, fully or partially, tobacco in the form of powder or small particles or any combination of these forms, mainly those which are packaged in single use sachets or in porous sachets or in a form similar to the one of foods;
	"tobacco selling point" means any place where tobacco products are sold;
	"ingredient" means any substance or any element, except the leaves and other natural or unaltered parts of the tobacco plant, which is used for the production or the manufacturing of a tobacco product and still exists in the final product, even in a different form, including the cigarette paper, the inks and the adhesive materials;
2(c) of 14(I) of 2008.	"third country" means any country which is not a Member State of the European Union;
2(C) of 14(I) of 2008	"information society services" means services such as the ones set forth in article 5A;

	182927966
	"Minister" means the Minister of Health;
2(c) of 14(I) of 2008.	"sponsorship" means any public or private contribution to an event, an activity or to a person, with the purpose of or with a direct or indirect result of the promotion of a tobacco product;
	"smoking prohibition area" means a cinema or a theater room, areas of hospitals, including healthcare centers and outpatient offices, private clinics, private medical offices, private dental offices, museums, art exhibits, concert halls, cultural centers, public libraries, factories or other venues for the manufacturing or packaging of foods, food preparation rooms, training rooms, elevators, staircases or common use areas in public buildings, enclosed sports venues, areas of government or quasi-government services and banks servicing the public, airports, ports and event areas for minors.
Prohibition to provide tobacco to minors.	3. - (1) Regardless of the provisions of any other Law, any person who provides a tobacco product to a minor is guilty of offense and in any case of his/her conviction, he/she shall be subject to a penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.
	(2) Following a second conviction, the seller shall be deprived of his/her permit for the sale of tobacco and shall not be qualified for a new tobacco sale permit for a period not exceeding five years from its annulment.
Prohibition to market tobacco products.	4. - (1) Whoever - (a) Distributes free of charge tobacco products or imitations of tobacco products, or (b) provides or offers to provide, agrees to provide, exhibits with the purpose to provide, or possesses with the purpose to provide - (i) tobacco products for oral use, or (ii) tobacco products for which the manufacturer did not comply with the requirements of the present Law or with the Regulations issued pursuant to the present Law, or (iii) imitations of tobacco products, shall be guilty of an offense and in the case of his conviction, he/she shall be subject to a penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties. (2) Subparagraph (1) does not apply to tobacco products which are available or will be available for consumption outside of the Republic.
3 of 14(I) of 2008. Prohibition to advertise.	5. - (1) The advertising and/or sponsorship of tobacco products in the form of written, oral, or printed message, or through a radio, cinema or information society services message, is prohibited. (2) Advertisements in the press or in other publications intended solely for tobacco marketing professionals, and in publications that are printed and issued in third countries, are excluded for the prohibition of subparagraph (1), provided that the community market is not the main destination of said publications.

4 of 14(I) of 2008. Information society services.	5A. Information society services shall be considered those which are typically provided on the basis of a fee, with remote electronic means and upon the personal selection of a recipient of services, excluding the services set forth in the Appendix.
Appendix	For the purposes of the present article, it is defined as follows: - "Remote": a service which is provided without the concurrent presence of both parties to the agreement, - "by electronic means": a service which is provided in its origin and is made acceptable to its destination through electronic processing equipment (including digital compression) or data storage and which is provided, transmitted and received fully through a telephone line, a radio transmission, an optical fiber or other electromagnetic means. - "upon specific order by a recipient of services": a service which is provided by the transmission of data following a specific order.
Offenses and penalties relating to advertisement. 5(a)(i)(ii) of 14(I) of 2008.	6. - (1) Any person which, in violation of the present Law, advertises or participates in any manner in the production, preparation, circulation, presentation, distribution or publication of an advertisement and/or sponsorship, is guilty of offense and in the case of his/her conviction, he/she shall be subject to a penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.
	523829042
5(β) of 14(I) or 2008.	(2) The manufacturer of a tobacco product which also constitutes the object of the advertisement and/or sponsorship, in violation of the provisions of the present Law, is guilty of offense and is guilty of offense and in the case of his/her conviction, he/she shall be subject to a penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.
6 of 14(I) of 2008. Court petitions by natural or legal persons or organizations.	6A. Any natural or legal person or organization with a legal interest for the removal of advertisements, sponsorships or other activities that do not comply with the provisions of the present Law may request the issuance of a prohibition or order, including interim order of the Court, in order to achieve said removal.
Warning label about the risks of smoking.	7.- (1) Any packet of tobacco products which is provided for sale must have the general and special warning for the risks of smoking as set forth by the Regulations. (2) Subparagraph (1) does not apply for
2 of 37(I) of 2004.	(a) Packets that are provided for sale through duty-free shops in ports and airports to departing passengers, and which shall display warnings and the label concerning the concentration in tar, nicotine and carbon monoxide, pursuant to the provisions of the Regulations issued according to the present Law; (b) Packets imported by passengers for their personal use upon their arrival and are excluded from duties as such; (c) Packets delivered to privileged individuals or authorities or organizations, and which are excluded from custom duties as such.

<p>Obligation of the manufacturer to include warnings on packets.</p>	<p>8. - (1) Any manufacturer is obliged to ensure the display of warnings for the risks of smoking, as set forth by the Regulations.</p> <p>(2) No person shall have the right to place the warning labels described in subparagraph (1) at any other time than the time during or prior to the packaging process of the product, by any other means or by printing or by the application of a strip, or in any other manner on any tobacco product which was manufactured or packaged in the Republic:</p> <p>It is assumed that in tobacco products, except cigarettes, the general warning is determined and placed according to the Regulations issued pursuant to the present Law.</p> <p>(3) Whoever violates the provisions of subparagraphs (1) and (2) is guilty of offense and in the case of his/her conviction, he/she shall be subject to a penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p> <p>(4) Any packet that does not bare the label mentioned in subparagraph (1) or any packet from which said label has been removed, altered, modified or replaced, in violation of the provisions of subparagraph (2), may be confiscated by an authorized officer/official and the court which shall try the case may order the confiscation or destruction of the packets that were confiscated pursuant to the present subparagraph.</p>
<p>Prohibition to sell tobacco through automatic vending machines</p>	<p>9. Whoever -</p> <p>(a) Has under his/her control or possession any automatic tobacco vending machine, or allows the installation or use of such machine to any of his/her venues that he/she controls or possesses, or</p> <p>(b) uses or sets into operation, at any place, any tobacco vending machine, or</p> <p>(c) imports or manufactures for domestic use any automatic tobacco vending machine,</p> <p>is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties, and the court trying the case may order the confiscation of the vending machine which was involved in said crime.</p>
<p>Prohibition of smoking in certain areas</p>	<p>10. - (1) No person may smoke in areas where smoking is prohibited, excluding a special area which is specially designed for smokers and is equipped with a sufficient ventilation system.</p> <p>(2) Whoever is responsible for an area in which smoking is prohibited, and in which a violation of subparagraph (1) is noted, shall be considered liable for said violation, unless he/she proves that he/she took all reasonable measures that are required for the prevention of smoking in said area.</p> <p>(3) Whoever violates the provisions of subparagraphs (1) and (2) is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>
<p>Prohibition of smoking in public use vehicles.</p>	<p>11. - (1) Smoking is prohibited to all persons in public use vehicles.</p> <p>(2) Whoever violates the provisions of subparagraph (1) is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>

<p>Prohibition of smoking in private use vehicles with passengers younger than sixteen years old.</p>	<p>12. - (1) Smoking is prohibited to any person inside a private use vehicle with passengers younger than sixteen years old.</p> <p>(2) Whoever violates the provisions of subparagraph (1) is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>
	28164386
<p>Smoking in entertainment venues</p>	<p>13. - (1) Whoever has under his/her control or possession any restaurant, cafe-restaurant, cafeteria, bar or coffee shop, discothèque, dancing hall or any other entertainment venue, may -</p> <p>(a) Maintain an area specially designed for smokers and provide that</p> <p>(i) a satisfactory area is provided for persons who smoke or wish to smoke, and that said area is equipped with a sufficient ventilation system,</p> <p>(ii) no person may smoke in an area intended for non-smokers or for people who do not wish to smoke, and</p> <p>(b) If there are more than one rooms in any restaurant, cafe-restaurant, bar or other entertainment venue, he/she shall provide at least one room for persons who smoke or wish to smoke.</p> <p>(2) The owner or the person who has under his control the room described in subparagraph (1) above, must -</p> <p>(a) (i) place a sign in the non-smoking areas, which shall display in an easy to read and prominent way that smoking is prohibited, and</p> <p>(ii) place in prominent places in the other areas signs which shall display, in a clear and legible way, the general warning about the risks of smoking, and</p> <p>(b) operate a sufficient ventilation system in the smoking areas.</p> <p>(3) Whoever violates the provisions of the above subparagraphs is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>

<p>Smoking in work places</p>	<p>14. - (1) Any employer must, upon communication with his employees who may be affected or with the representatives of his employees, determine in writing and implement a policy in regard to smoking in all work areas, which shall be based on the principle that the employees who do not smoke or do not wish to smoke in their work places are protected by smoke in said places.</p> <p>(2) The policy set forth in subparagraph (1) must specifically fulfill the following conditions:</p> <p>(a) In each area of work, the employer has provided for the placement or the provision of a copy of a policy which applies for smoking in said area and provides, upon request, a copy of said policy to each employee, candidate employee or representative of said employee, and</p> <p>(b) in each area of work, the employer provides for the placement of legible and clear signs in prominent places, which signs indicate the areas in which smoking is prohibited or allowed.</p> <p>(3) The provisions of the present article do not prevent the employer from allowing smoking in enclosed areas with a sufficient ventilation system and which are intended exclusively for smokers and they have requested in writing to allow smoking in such area.</p> <p>(4) Whoever violates the provisions of the present article is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>
<p>Specifications for the concentration of harmful substances in tobacco.</p>	<p>15. - (1) The concentration of nicotine, tar and other substances in tobacco products, substances which may be harmful for the health of smokers, should not exceed the limits set forth by the Regulations that are issued pursuant to the present Law.</p> <p>(2) Whoever manufactures, packages or imports tobacco products which contain substances that do not comply with the specifications set forth in subparagraph (1) is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties, and the court trying the case may order the confiscation or destruction of said product.</p>
<p>3 of 37(I) of 2004.</p>	<p>15A. The use of texts, names, trademarks and illustrations which suggest that a certain tobacco product is less harmful than others on tobacco products packaging is prohibited.</p>
<p>3 of 37(I) of 2004.</p>	<p>15B. - (1) Any manufacturer of tobacco products shall submit every year a list of all ingredients that are used for the production of the products per brand and type, as well as per the quantities of such ingredients.</p> <p>(2) The list mentioned in subparagraph (1) shall be accompanied by -</p> <p>(a) A statement that presents the reasons for which said ingredients are included in the tobacco products, by describing their functions and their categories.</p> <p>(b) the toxicology data which the manufacturer possesses in regard to said ingredients prior to and after they are burned, and a description of their consequences to health, considering, among other things, the risks of addiction.</p> <p>(3) The list mentioned in subparagraph (1) shall be drawn in a descending order of the weight of each ingredient contained in the product.</p> <p>(4) The information provided according to the present article shall be disclosed in order to inform the consumers, taking into consideration the protection of information for a specific product which constitutes trade secrets.</p> <p>(5) The list of ingredients for each product which mentions the tar, the nicotine and the carbon dioxide (CO) shall be published.</p>

<p>Inspection of buildings to ensure compliance with the provisions of the Law</p>	<p>16. - (1) Any authorized officer/official may, at a reasonable time, freely enter any public area or building where tobacco products are packaged, boxed or provided for sale, in order to ascertain the compliance with the provisions of the present Law and the Regulations issued pursuant to the present Law.</p> <p>(2) Without compromising or affecting the general meaning of subparagraph (1), any authorized officer/official may receive tobacco product samples in order for them to be analyzed and determine whether said sample complies with the specifications set forth in the present Law and the Regulations issued pursuant to the present Law.</p> <p>(3) In order to facilitate the authorized officer/official in the performance of his/her duties, the tobacco product manufacturer must provide to the authorized officer/official the requested samples in reasonable time periods.</p>
<p>Obstruction of officials in the performance of their duties</p>	<p>17. Whoever obstructs, inhibits or harasses any authorized official in the performance of any duty or authority assigned to them pursuant to the provisions of the present Law, or attempts to commit any of the above, is guilty of offense and in the case of his/her conviction, he/she shall be subject to a monetary penalty not exceeding one thousand pounds or to incarceration not exceeding six months and/or to both penalties.</p>
<p>Offenses by legal persons.</p>	<p>18. In the case of an offense committed by a public law corporate body for violation of the present Law or the Regulations issued pursuant to this Law, each person which, at the time of the offense, held a position of manager, consultant, secretary, or appears to act in such capacity, shall be considered guilty of such crime, unless they prove that the offense was committed without the consent or the culpability or the negligence of the same and shall be subject to the penalty provided for such crime.</p>
	<p>621542632</p>
<p>Regulations.</p>	<p>19. - (1) The Ministerial Council may issue regulations for better application of the provisions of the present Law and specifically for the regulation or determination of each subject mentioned in the present Law and which may be regulated or determined by regulations.</p> <p>(2) Without compromising or affecting the general nature of the provision of subparagraph (1), Regulations issued pursuant to the present Law may be provided for the following subjects:</p> <p>(a) The determination of the prohibitive or warning signs about the risks of smoking and the description of the manner with which they are printed;</p> <p>(b) the determination of the areas where the prohibitive or warning signs about the risks of smoking must be placed;</p> <p>(c) the determination of the methods to measure the concentration of the tobacco products in tar, nicotine and other substances, and</p> <p>(d) the imposition of a penalty which shall not exceed one thousand pounds or incarceration not exceeding six months, or both, for violation of obligations which are regulated according to the Regulations.</p>
<p>4 of 37(I) of 2004.</p>	<p>(e) The determination of details in regard to the content of the list mentioned in article 15B.</p>
<p>Repeal of Laws. 51 of 1980 47 of 1984 196 of 1986 38 of 1988 98)I) of 1995 33(I) of 1999</p>	<p>Laws from 1980 to 1999 on the Protection of Health (Smoking Control) are repealed from the date on which the present Law is in force.</p> <p>5. The present Law is set in force with its publication in the Official Gazette of the Republic, with the exclusion of article 4 which shall be in force as of 1.5.2004.</p>

7 of 14(I) of 2008.

**APPENDIX
(Article 5A)**

Indicative list of services not covered by the term "Information society services"

1. Services not provided "remotely"

Services which are provided in the presence of the provider and the recipient, even when they require the use of electronic devices:

- a) Examinations or treatment in a medical office with the use of electronic equipment, but in the presence of the patient;
- b) Search in an electronic catalogue in a store, in the presence of the client;
- c) Booking of an airline ticket through a computer network at a travel agency, in the presence of the client;
- d) Provision of electronic games in an entertainment room, in the presence of the user.

2. Services not provided "by electronic means"

- Services with material content, even when they are provided through electronic devices:

- a) Automatic issuance of titles (currency bills, railway tickets);
- b) Access to road networks, to parking areas etc. with a fee, even if there are electronic devices to control the access and/or to ensure the proper fee payment at the entrance or exit.

- "Off-line" services: CD-ROM distribution or software provision in floppy disks

- Services not provided through electronic systems for the inventory and processing of data:

- a) Voice phone services;
- b) fax/telex services;
- c) Services provided through voice phone or fax;
- d) Medical services through phone/fax;
- e) Legal services through phone/fax;
- f) Direct sales through phone/fax.

3) Services not provided "upon personal selection of services recipient"

Services provided with the transmission of data without a specific order and are intended for the concurrent receipt by an unlimited number of recipients (transmission "from one point to multiple points"):

- a) radio-television services (including "a la carte videos") per article 1, subparagraph a) of the directive 89/552/EC;
- b) Radio broadcasting services
- c) Teletext."